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No. 171

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BOST).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 30, 2016.

I hereby appoint the Honorable MIKE BOST to act as Speaker pro tempore on this day.

PAUL D. RYAN,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### THERE IS MORE THAT UNITES US THAN DIVIDES US

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, equality, justice, and opportunity for all cannot coexist in a society where bigotry, misogyny, anti-Semitism, and other kinds of hatred are accepted or even encouraged. Only one of these two sets of values has made our country great, while the other has the ability to further divide and ultimately destroy us.

Following the President-elect's appointment of Steve Bannon as White

House Chief Strategist, my office received hundreds of calls and letters from concerned constituents deeply worried about an administration that pits people against one another, creates scapegoats, and goes against the better angels of our nature.

If the President-elect wants to be the President for all Americans, he simply cannot surround himself with individuals that tolerate, inspire, or participate in hate speech.

With reports of bias-based attacks continuing to rise following the election, we must remain focused on ensuring that no American, regardless of race, religion, gender, or sexual orientation, feels marginalized or afraid in his or her own community.

We must remember that there will always be more that unites us than divides us. It is up to us to stop hatred wherever we see it, especially in the halls of government.

### DEMOCRACY FOR CUBA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, over the years, I have come down here regularly to the Chamber, one of the most iconic symbols of our wonderful democracy, and urged the United States to do more to support the cause of freedom for my native homeland, the island nation of Cuba.

In tow would be posters just like the one I have here today, depicting images of the real Cuba, the Cuba in which opposition to the Castro regime is met with violence and harassment, extrajudicial punishment and confinement in one of the many Cuban gulags built by Fidel Castro. These images would show what the regime under Fidel Castro would do to the Ladies in White depicted here. These women, clad in white, carrying flowers, march

peacefully to mass at a Catholic church every Sunday, praying for their loved ones wrongfully imprisoned by the regime, only to be harassed and beaten by Castro's thugs.

I came to this floor to offer my support for these brave women; like Laura Pollan, who was mysteriously killed, no doubt by the regime, and Berta Soler, pictured here.

Mr. Speaker, I have come to this very floor denouncing the Castro regime's treatment of opposition leaders like Jorge Luis Garcia "Antunez" Perez, who was imprisoned for 17 years by Castro for speaking out against communism and refusing the regime's communist reeducation program.

I spoke out in support of Dr. Oscar Elias Biscet, who was sentenced to 25 years in Castro's prisons for crimes committed against Cuban sovereignty, which, in Cuba, is code for calling for reforms; and he was awarded the Presidential Medal of Freedom by George W. Bush.

I stood here for Coco Farinas, right over here. Coco Farinas went on a 50-day hunger strike just recently to bring attention to the plight of the Cuban people.

I also spoke in favor of Cuban rapper El Sexto, pictured here, who was jailed just last week, again, when the regime announced the tyrant's death.

I stood here in solidarity with Cubans, freedom fighters like Antonio Rodiles, pictured here, who was arrested hours before President Obama landed in Cuba earlier this year. Round up the usual suspects.

I have come to this well time and time again to call attention to the abuses being committed by Fidel Castro against the Cuban people, the people of the homeland that I was forced to flee along with my family when I was a little girl, and to the people who have had everything taken away from them and could not speak for themselves.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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And I have come repeatedly to this very podium to call my colleagues' attention to the threat that Fidel Castro and his regime pose to the U.S. and our national security. This thug, Fidel Castro, who attempted to infiltrate every level of our government through his intelligence service, like convicted spy Ana Belen Montes, who is currently still serving her prison sentence in a Texas jail.

This despot, who aligned himself with the greatest threats to the U.S., like Iran and Russia, and allowed Russia to put up a facility in Cuba in order to spy on our Nation; this autocrat, who told the Ayatollah in Iran that both Iran and Cuba would bring the U.S. to its knees, and who tried to bring the world to nuclear war during the Cuban Missile Crisis.

Yet, this is a man who some world leaders and media want to romanticize. They whitewash his horrific crimes and claim that he was a legendary folk hero.

The truth is, Mr. Speaker, Fidel Castro was a sadistic murderer, a tyrant, and a hypocrite. He was a thug who took control over all industries and Cuba and decried capitalism. Yet, somehow, he was likely worth about \$1 billion when he died.

When 11 million Cubans are barely struggling to get by under his Communist regime, this is a tyrant who died with more wealth than the entire island nation.

Mr. Speaker, Fidel Castro is dead, and Cuba and the world are better for it. Now we have an opportunity to move forward by reversing some of this administration's concessions to the Castro regime and press for reforms.

It is time for the Cuban people to have the opportunity to achieve freedom and democracy for which they have been yearning. We must pressure the regime in the island of Cuba.

We must not relent until there are free and fair elections, until all political prisoners are freed, and until the people's basic and fundamental human rights are restored. Is that too much to ask for the enslaved and oppressed people of Cuba?

Let that be how we honor the countless Cubans who have lost their lives or who have suffered under the terrible dictatorship of Fidel Castro. That is some legacy.

#### DRAINING THE SWAMP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Mr. Speaker, I remember the closing ad in the Trump campaign. He was going to drain the swamp. Good. And then he had the CEO of Goldman Sachs up there, who represented the global elite who robbed the working class of their savings and homes. Pretty powerful stuff, and I will tell you what, I pretty much agreed with it.

Now, he is already working on draining the swamp, so things are showing

up in D.C. that you haven't seen for a while. I was walking down the street by Trump Tower International last night and I found this laying in the street.

Now, I haven't seen this since a guy named Henry "Hank" Paulson, former CEO of Goldman Sachs, was Secretary of the Treasury under George Bush and he came to Congress after Wall Street destroyed our economy with reckless gambling and asked for an unlimited bailout of Wall Street, the key to the Treasury.

Now, I opposed that and, for one proud day, the House of Representatives didn't bail out Wall Street. Unfortunately, the Senate came back to town. They got scared by Wall Street tanking the market. They bailed out Wall Street and a number of my colleagues in the House changed their votes, so they all got bailed out. Well enough, good.

Now, that is Goldman Sachs that says please return to Goldman Sachs. Well, Donald Trump is returning the key to the Treasury to Goldman Sachs. Ain't that great? That's draining the swamp folks; draining the swamp.

A guy named Mnuchin—now he is a film producer, but he made a fortune at Goldman Sachs; his dad worked at Goldman Sachs for 33 years; his brother still works at Goldman Sachs—is going to get the key to the Treasury.

Now, he also made a fortune during the TARP bailout by buying an asset, IndyMac, and dispossessing tens of thousands of people of their homes.

So I would say that Mr. Trump, the candidate, and the ad was right. These people at Goldman Sachs and elsewhere are the global elite who have stolen people's savings, who have taken away their homes.

But now he is putting them back in charge. Mr. Mnuchin is getting the key to the Treasury, Goldman Sachs executive, dad, lifetime Goldman Sachs executive, brother still working at Goldman Sachs.

How the heck is that draining the swamp?

#### PRESIDENT-ELECT TRUMP MAY HAVE WON THE POPULAR VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, President-elect Donald Trump opined in a tweet on November 27 that: "In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally."

As would be expected, a circus of left-wing, media pundits immediately pounced on President-elect Trump's opinion in an effort to silence serious discussion of the noncitizen voter fraud problem.

For example, PolitiFact, a self-proclaimed purveyor of truth, gave Trump's statement a "Pants on Fire" evaluation and stated: "Neither Trump

nor his allies have presented any evidence of widespread illegal voting. In reality, studies have consistently shown that voter fraud is nowhere near common enough to call into question millions and millions of votes."

The truth is, PolitiFact and its allies ignore contrary studies and information. But isn't that what you would expect of PolitiFact and its leftwing media allies that have, in effect, become the communications wing of the Democratic Party?

A 2014 study by professors at Old Dominion University and George Mason University estimated that noncitizens vote 80 percent of the time for Democrats.

Does anyone really expect Democrats and their media and pundit allies to object to or scrutinize illegal votes that may be the deciding factor in the election of Democrat candidates?

Let me give but one example of how tens of millions of noncitizens are a threat to register to vote, and vote, in America's elections.

Alabama is my home State. Our laws limit voting to American citizens. That sounds pretty reasonable to me, that only Americans should vote in American elections. In order to limit American elections to American citizens, Alabama code section 31-13-28 requires proof of citizenship to register to vote. The code lists 13 different documents that are conclusive proof of citizenship, things like driver's licenses, birth certificates, passports, naturalization documents, adoption papers, military service documents. Further, an American can offer any other document that is proof of citizenship.

In January of 2016, the United States Election Assistance Commission approved Alabama's proof of citizenship voter registration requirement. The League of Women Voters then challenged proof of citizenship laws in the Washington, D.C., Federal courts.

In an astonishing ruling in September of 2016, a mere 6 weeks before the election, the United States Court of Appeals for the District of Columbia entered a preliminary injunction that barred Alabama, Kansas, Georgia and, indirectly, any other State from requiring proof of citizenship to register to vote.

The Court of Appeals' ruling opens the floodgates for voting by tens of millions of illegal aliens and other citizens on American soil, thus blatantly undermining the American Republic for which so many Americans fought and died.

The dissenting opinion of the Court of Appeals' Senior Circuit Judge Randolph well-described the Court's ruling, and I quote:

"Of utmost importance is that on the eve of a Presidential election, and elections for Federal office, a court has issued an injunction forbidding Kansas, Georgia, and Alabama from enforcing their election laws, laws requiring those who seek to register to prove that they are citizens of this country.

“That order is unconstitutional.

“In my view, the appeal should have been disposed on the ground that the League of Women Voters and their allies have not even come close to demonstrating the type of harm entitling them to an order suspending these State laws.”

□ 1015

Notwithstanding Judge Randolph's dissent, the bad guys prevailed.

Now, what does all that mean? It means that, right before the Presidential election, Federal courts created a massive legal hole that empowers noncitizens to register to vote and, once registered, to vote in America's elections with impunity, thereby undermining and diluting the vote of lawful Americans and striking at the very heart of our democracy.

It means that President-elect Trump may very well be right that he “won the popular vote if you deduct the millions of people who voted illegally.”

Quite frankly, Mr. Speaker, we will never know for sure if hundreds of thousands or millions of noncitizens voted in the 2016 elections. Worse yet, if the leftwing media pundits continue to summarily dismiss and turn a blind eye to the problem, it will be harder to stop future elections from being stolen.

#### FAREWELL ADDRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, it is hard to condense 28 years into 5 minutes, but that is what I am going to try to do here.

This is a wonderful opportunity that I have had to represent the Seventh District of the State of Washington, and I want to thank the people who sent me here. To represent people for 28 years, having their trust, is a great responsibility and a great honor.

My constituents have witnessed the good times and the bad. They have offered encouragement when I did what they thought was right and were gracious to point out to me when they thought that I had veered from where they thought I should be. I have enduring thanks for what they did for me.

I also want to thank my colleagues here in the House, my colleagues in the Washington State delegation, all the staff who have served me over these 28 years, and, of course, my family, who allowed me to serve here in the Congress.

When I envisioned what might be my final speech on the floor of the House, I had hoped for a brighter political future than the one currently unfolding. For me and for millions of Americans, it is difficult to see the coming 4 years as anything short of calamitous. Never has the role of congressional oversight been as critical to the integrity of our Republic as it is now, and I beg my colleagues to remain vigilant as we con-

front this menacing wave of nativism, misogyny, and racism that is raging in our country.

The systems of checks and balances underpin the very survival of the democracy, and this body must not fail in its constitutional responsibility to scrutinize every executive action and to pass sanction when the rights of the people are threatened. This is the people's House, designed not just to reflect the will of the people, but also to ensure the rights of the people endure.

The right to worship as you choose, the right to marry whom you love, the right to equal pay, the right to a livable wage, the right to affordable health care, the right to reproductive choice, and, of course, the basic founding rights affirmed by our earliest tenets and enshrined as “inalienable” are always at risk without the people's advocate to protect them.

As President Obama said in his second inaugural:

History may deem equality for all as self-evident, but we know these rights have never been self-executing; that while freedom is a gift from God, it must be secured by the people here on Earth.

Mr. Speaker, you have a dark and difficult road ahead. Please do not lose sight of the fundamental decency and respect for our fellow citizens that has always made this country great.

It is fashionable these days to ridicule the Congress, but I depart this institution steadfast in the belief that the government—and the Federal Government, in particular—can, should, and does make a positive impact on the lives of all Americans.

Moreover, I am a proud member of the Democratic Party. We may spend the next couple of years massaging our message and regrouping our strength, but the values that define us as a party are as true and as important today as they ever were. This is still the party of social and economic justice; it is still the party of environmental protection; it is still the party of international diplomacy; it is still the party of guaranteed health care and quality education; and this will always—always—be the party of ethnic, racial, and gender inclusion. We are a party of service, of dignity, and of hope.

I came to this House 28 years ago to work on health care, and with President Obama, we were able to get it started. It is incumbent on this body not to leave the American people out in the cold when they are sick or ailing or worried about whether they can go to the hospital and pay for what they have got.

Mr. Speaker, it has been an honor to serve here. I leave here. It has been a good run, and I thank everyone who has been helpful to me during that period of time.

Mr. Speaker, it's hard to condense 28 remarkable years into five minutes, and it's even harder to thank each of those people with whom I have worked and who have helped me over the course of this fortunate career.

First, I want to thank the people of the 7th District of Washington State. It has been my

privilege to serve them in the United States Congress. I leave forever grateful for their unwavering trust and support.

My constituents have witnessed the good times and the bad; they offered encouragement when I did something right, and were gracious to point me in the right direction when I had wandered off the path. They have my enduring thanks.

I also want to thank my colleagues here in the House; my colleagues in the Washington State delegation; all the staff who have served with me over the last 28 years; and of course my family who has supported me in my public service.

When I envisioned giving what is perhaps my final speech on the floor of the U.S. House of Representatives, I had hoped for a brighter political future than the one currently unfolding.

For me, and for millions of Americans, it is difficult to see the coming four years as nothing short of calamitous.

Never has the role of Congressional oversight been as critical to the integrity of our republic as it is now and I beg my colleagues to remain vigilant as we confront this menacing wave of nativism, misogyny, and racism that is raging our country.

The system of checks and balances underpin the very survival of our democracy and this body must not fail in its Constitutional responsibility to scrutinize executive action and to pass sanction when the rights of the people are threatened.

This is the “People's House,” designed not just to reflect the will of the people, but also to ensure that the rights of those people endure.

The right to worship as you choose; the right to marry who you love; the right to equal pay; the right to a livable wage; the right to affordable healthcare; the right to reproductive choice; and of course, those basic founding rights, affirmed by our earliest tenets and enshrined as “inalienable,” are always at risk without the people's advocates to uphold them.

As President Obama said in his Second Inaugural, history may deem equality for all as self-evident, but we know these rights have “never been self-executing; that while freedom is a gift from God, it must be secured by His people here on Earth.”

My colleagues, you have a dark and difficult road ahead. Please do not lose sight of the fundamental decency and respect for our fellow citizens that has always made this country great.

It is fashionable these days to ridicule the Congress, but I depart this institution steadfast in the belief that government, and the federal government in particular, can, should, and does make a positive impact on the lives of Americans.

Moreover, I am a proud member of the Democratic Party. We may spend the next couple of years honing our message and regrouping our electoral strength, but the values that define us as a party are as true and important today as they ever were.

This is still the party of social and economic justice; this is still the party of environmental protection; this is still the party of international diplomacy; this is still the party of guaranteed healthcare and quality education.

And this will always be the party of ethnic, racial, and gender inclusion.

We are the party of service, of dignity, and of I hope.

I came to the House 28 years ago as a proud liberal. And that is how I am going to leave.

Mr. Speaker, it has been an honor, and my privilege.

#### WAR ON COAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, coal communities throughout West Virginia and Appalachia are struggling. This administration's war on coal and market forces have combined to close coal mines and send thousands of coal miners to the unemployment lines.

While we work to repeal onerous and overreaching regulations and reopen mines, we also need to diversify our economy. That means attracting new industries to our coal communities and creating new opportunities for investment.

I have introduced, today, H.R. 6403, legislation that will help us do just that. The Creating Opportunities for Rural Economies Act would allocate a portion of available new markets tax credits to be used for development in communities impacted by the downturn in coal.

Over the next 3 years, it would mean \$525 million in credits for heavily impacted communities in West Virginia and Appalachia. These tax credits can be used to help spur investment for new businesses. They can go toward developing new mixed-use facilities, food and grocery stores in underserved communities, manufacturing, healthcare services, and so much more.

I want to thank Senator SHELLEY MOORE CAPITO for her leadership in the Senate on this important issue and legislation. Our coal communities deserve our support and help as they work to diversify their economies.

#### MINERS' PENSIONS

Mr. JENKINS of West Virginia. Mr. Speaker, with only weeks left in this Congress—2, to be exact—our retired coal miners and widows are wondering if we will act to protect them. At the end of the year, the healthcare benefits for many miners and their widows will dry up, and their pensions could be cut in the months and years ahead.

When they went down into the mines, they were made a promise: when you retire, you will have a good pension and healthcare benefits. Now that promise is in jeopardy. The pensions and benefits they worked their whole lives for are in jeopardy.

Mr. Speaker, time is running out to do the right thing by our miners and their families. But we have a solution: the Coal Healthcare and Pensions Protection Act, legislation I am a proud cosponsor of. It is a bipartisan bill, and a similar bill is pending in the Senate.

Congress needs to act to fulfill this promise, to keep our word to the min-

ers of West Virginia and other coal States. These miners and their families deserve no less than what they worked their entire lives to earn: the peace of mind that comes with a pension.

Mr. Speaker, I urge my colleagues to keep the promise and support this important legislation. Time is running out to stand up for our miners and their families.

#### STRENGTHENING THE PARTNERSHIP BETWEEN ISRAEL AND THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. COSTELLO) for 5 minutes.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of recent efforts to strengthen the partnership between Israel and the United States by this Congress.

Our countries have a long and important friendship. That is why my and this Congress' support of H.R. 5877, the United States-Israel Advanced Research Partnership Act, and H.R. 5843, the United States-Israel Cybersecurity Cooperation Enhancement Act, two bills that advance the vital goal of bolstering the U.S.-Israeli partnership on security, are so important. These bills focus specifically on strengthening cybersecurity collaboration through grants, research, and antiterrorism programs.

Knowing of the security challenges Israel faces in its region, these measures would reinforce our commitment to our most critical ally in the Middle East at a time when the evolving threat of a cybersecurity attack has never been more serious. It is imperative we continue to work together on the security issues faced by our respective countries.

#### STUDENT VETERANS

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of bipartisan legislation to improve and simplify the decisionmaking process for our student veterans.

H.R. 5047, the Protecting Veterans' Educational Choice Act, would help veterans clearly understand if and how their coursework credits might transfer between schools. The legislation would require the Department of Veterans Affairs to provide student veterans with detailed information about education assistance benefits, including how to request free education counseling services at the VA.

For our veterans who wish to obtain or complete a degree, access to this information can not only save them countless administrative headaches, but also precious time and money. I am proud to support measures such as this bill that would streamline the transition for veterans into civilian life and provide them with the tools and resources to succeed.

I urge my colleagues to support this bill.

#### FINDING CURES

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 34, the 21st Century Cures Act, a bipartisan bill that focuses solely on solutions for patients.

All of us have been affected, whether directly or indirectly, by tragic diseases. That is why advancing and improving medical innovation and providing much-needed resources that are required for finding cures, which this bill would do, are such important goals.

The 21st Century Cures Act would target diseases that do not yet have a cure. Bringing safe, effective drugs and devices to Pennsylvanians and Americans in a more efficient manner will benefit our families and communities. This bill would also bring much-needed certainty to job creators and help keep Pennsylvania at the forefront of medical innovation.

In Congress, we have a responsibility to ensure that resources are available to help defeat these yet incurable diseases. This bill is a significant step forward toward this goal.

The 21st Century Cures Act also includes important mental health reform measures. I have focused much of my attention since coming into office on ways to make Pennsylvania communities healthier and safer, and families across my district have shared their stories about how mental health issues impact individuals, families, and communities. Much-needed reforms are included in this bill: empowering patients and caregivers, ensuring availability of treatment, encouraging students to choose careers in mental health, providing for those on the front lines, and maintaining transparency in government programs.

I urge my colleagues to support this legislation.

#### HOMENET AUTOMOTIVE WINS TECH AWARD

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I want to congratulate HomeNet Automotive, a company in my district, on receiving the Tech360 Technology Team of the Year Award from the Chester County Economic Development Council.

I had the opportunity to visit HomeNet Automotive over the summer and enjoyed learning about their innovative company, which is bringing jobs and forward-looking technology to our community.

HomeNet Automotive makes the SnapLot Photo Capture App, which provides car dealers with the ability to update the inventory it displays on their Web sites. A tech team from the company based in East Whiteland, Chester County, updated the technology to improve its ease of use for dealers. The app is currently used by dealers nationwide as well as at Manheim Auto Auctions, with the possibility of expanding with Manheim into Europe.

I am very proud of that company in Pennsylvania's Sixth Congressional District.

## RECOGNIZING RYAN VARGO

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I wish to bring attention to the leadership of Ryan Vargo, a senior up at Pottsgrove School District, and his role in helping expand recreational opportunity at the Upper Pottsgrove Township Park. He spearheaded a project to install donated playground equipment at Hollenbach Park off North Hanover Street, adding recreational opportunity for children in the Pottsgrove community.

It is a testament to how our country and its future is great when we look at student leaders and what they are doing in their teenage years to help improve communities across this Commonwealth and across this country.

□ 1030

MINNESOTA'S BEST AND  
BRIGHTEST

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. EMMER) for 5 minutes.

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to celebrate five outstanding students in my district who have earned a Fulbright scholarship this year.

Austin Barkley of Sartell, Paul Creager of Stillwater, Amy Grant of Big Lake, Natalie Hoidal of Forest Lake, and Jenna Maus of Kimball will each have the once-in-a-lifetime opportunity to lecture, study, teach English, or do research in foreign countries that range from Mexico to Malaysia. Each of these Fulbright scholars will not only have the ability to promote healthy relations and diplomacy with foreign nations, but they will also bring home the knowledge and leadership experience they will gain while abroad.

Many past participants of this program have gone on to achieve success in a variety of fields, with some even serving here in Congress. I have no doubt we will see great things from each of these exceptional individuals, and I congratulate and wish them luck on their exciting adventure.

## MINNESOTA'S TOP FARM FAMILY

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to congratulate Bruce and Sharon Johnson of East Bethel and the Minnesota Fresh Farm for being named the Anoka County Farm Family of the Year by the University of Minnesota. For the past 2 decades, the University of Minnesota has chosen top farming families for their work promoting our State's great agricultural industry.

The Minnesota Fresh Farm has been passed down from one generation of the Johnson family to the next and is currently being farmed by Bruce and Sharon Johnson, along with their son, Luke, and his wife, Liz.

This year, the Johnson family was chosen for the efforts they have made to educate Minnesota's youth about farming. This includes working with

the Opportunity Services in Anoka, an organization that helps individuals with special needs so they can enjoy farming and the great outdoors. The Johnson family were also chosen because of their focus on sustainable production methods and growing food without using pesticides.

I want to congratulate the Johnson family and thank them for their efforts to promote the farming life and Minnesota's agricultural industry.

## INVESTING IN MINNESOTA'S FUTURE

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to celebrate a great Minnesota company that is actively helping our Nation's students develop skills that will help them shine in their future success. I am proud that Minnesota's own Best Buy Foundation is giving grants to form programs that will give students the chance to master important technology skills, like coding and graphic design.

The world that we are living in is rapidly transforming and technology is quickly becoming more than just a luxury—it is becoming a way of life and a key ingredient to our Nation's future success.

What is perhaps most commendable about Best Buy's grant program is that it targets teens who live in underserved communities. If we as a Nation hope to remain not only relevant, but competitive, then everybody must have the chance to strive. I would like to thank the Best Buy Foundation for recognizing the importance of serving the underserved.

## STEARNS COUNTY HEROES

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to honor 12 Stearns County dispatchers who received medals of merit for their work during the horrific attack at the Crossroads Center Mall.

What seemed like a normal night at a mall in central Minnesota quickly turned into a nightmare when a man began to attack shoppers with a knife. As the attacks unfolded, chaos ensued.

What kept this dangerous situation from getting even worse was the dedicated work of these 12 professionals. In 2 hours, they took 250 calls and they made numerous calls to emergency responders to keep them abreast on the most current details of the attack. As a result of their work, there was no loss of life and all shoppers and first responders were able to return home safely to their loved ones that night.

While words can never express the full extent of our gratitude, I am proud to stand here today to thank these men and women for their heroic efforts.

RECOGNIZING REPRESENTATIVE  
RON STEPHENS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. CARTER) for 5 minutes.

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize my lifelong friend, Representative Ron Stephens

from Savannah, Georgia, for being awarded the Distinguished Alumnus Award from Armstrong State University.

Chairman Stephens represents the 164th District in the Georgia General Assembly. During his time in the legislature, he has done a remarkable job representing his constituents.

Currently, he is the chairman of the House Economic Development and Tourism Committee and a member of the Appropriations, Rules, and Ways and Means Committees, allowing him to advocate important issues for his constituency. In addition, Governor Nathan Deal appointed Mr. Stephens to the Georgia Tourism Foundation.

Before his time in the Georgia General Assembly, Chairman Stephens was already working for the betterment of his community. He began his career in pharmacy and served the medical needs of others for 37 years. Thereafter, he served as a councilman in Garden City, Georgia.

I am proud of my lifelong friend for his work, and I am overjoyed that he is receiving the Distinguished Alumnus Award from Armstrong State University.

## RECOGNIZING COACH DOYLE KELLEY

Mr. CARTER of Georgia. Mr. Speaker, I rise today to honor Mr. Doyle Kelley from Savannah, Georgia, who passed away on September 30.

Mr. Kelley, known throughout the Savannah community as Coach Kelley, dedicated his life to teaching and mentoring students.

After graduating from Armstrong State University in 1969, Coach Kelley started coaching Jenkins High School's basketball team, sparking his commitment to students. Coach Kelley's passion shows not only in his incredible success on the court, but also the notorious testimonials from students about how he changed their lives for the better.

After he moved to coach basketball at Savannah Christian Preparatory School, he had 427 victories in basketball, along with 18 State championships in three sports, but the number of students he positively impacted is far greater.

After his successful years in the sport, Coach Kelley served as the high school principal for 14 years at Savannah Christian until his retirement.

His caring and compassionate nature was seen by everyone in the community, from friends, colleagues, students, and certainly family members. Coach Kelley's presence in the community will be deeply missed and felt by all who had the pleasure of knowing him.

## HONORING WINSTON HENCELY

Mr. CARTER of Georgia. Mr. Speaker, I rise today to ask for your thoughts and prayers for Mr. Winston Hencely.

Mr. Hencely was injured in the suicide attack on Bagram Air Base in Afghanistan on November 12. Four brave Americans were killed in the attack

and Mr. Hencely was one of 16 soldiers who were injured. He was immediately transported to Germany for treatment and surgery, but is currently in critical condition.

This attack is a sobering reminder of the harsh reality that our soldiers must endure during their deployment.

I encourage everyone to keep our Nation's soldiers in their thoughts and, especially, Mr. Winston Hencely during his time of need.

Mr. Hencely, thank you for your service to our country, and we will be with you every step of the way.

#### RECOGNIZING JOHN RUTLEDGE

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize the life of Mr. John Rutledge, who passed away on September 11, 2016, at the age of 96.

Mr. Rutledge's life has been quite extraordinary as he has been on hand for some incredible events in our Nation's history.

On December 7, 1941, Mr. Rutledge was aboard the USS California during the attack on Pearl Harbor, narrowly escaping with his life. The next year, he was at the Battle of Midway in the Pacific Ocean, covering the battle as a photographer and filming the burning of Japanese ships.

Mr. Rutledge continued his service to our Nation long after his time with the military and fighting in World War II. For the next 20 years, he taught science classes at Pensacola High School.

I am proud to honor someone who dedicated so much of his life to the betterment of our Nation.

Mr. Rutledge, you will be greatly missed.

#### FINDING CURES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. WAGNER) for 5 minutes.

Mrs. WAGNER. Mr. Speaker, today I rise in support of legislation that begins making strides toward enhancing our ability to combat some of the toughest diseases of our time—the 21st Century Cures Act.

From improving the development and approval process of drugs and devices, to bettering our ability to diagnose and treat diseases like Alzheimer's and diabetes, this legislation will have a positive impact on countless lives.

I further applaud provisions in the bill that address mental health issues and opioid abuse, both crises that tear families apart in my home district of St. Louis and across our Nation.

However, I also rise today to say that passing this bill must not be the end of our efforts, but, rather, the beginning—the beginning as we look towards a better day for thousands of children fighting against pediatric cancers.

Mr. Speaker, the 21st Century Cures Act legislation outlines that rare and pediatric diseases and conditions should remain a biomedical research priority. While the bill provides an additional \$4.8 billion to the National In-

stitutes of Health, I see little that suggests a sufficient amount of this money will be dedicated to pediatric research and care.

This past October, I had the opportunity to tour the Cardinals Kids Cancer Center at Mercy Hospital in St. Louis and meet with families affected by pediatric cancer, including the Leslie family. The Leslies' son, Caleb, was diagnosed with Ewing's sarcoma, a rare type of bone cancer, when he was just 10 years old. Despite the incredible strength that Caleb showed in his more than 2-year fight with cancer, he ultimately lost the battle on July 22, 2015.

I was shocked when the Leslies told me that childhood cancer receives only 4 percent of the National Cancer Institute's annual research budget—only 4 percent—an absurdly small amount of money for a population with countless life years ahead of them.

In fiscal year 2016, the NCI was appropriated \$5.21 billion, and only \$208 million of this went toward childhood cancer research. Childhood cancer does not discriminate based on gender, race, or social class. These are diseases that could affect any of our children at any time.

It is my hope that going forward, as both a lawmaker and a mother of three children, that we can prioritize NCI research funding to give every child a fighting chance at a healthy and happy future.

I am committed to giving families like the Leslies solace, solace in knowing that maybe one less family will have to suffer the tragic loss that they endured.

#### GATLINBURG FIRE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, Tennesseans have experienced the worst of Mother Nature this week—from the tornadoes in my own district to the historic wildfires that ravaged the Gatlinburg community. These fires forced a mass evacuation, destroyed hundreds of homes and businesses, and tragically caused three known fatalities so far.

Today I rise to call for prayer for our neighbors in the beautiful Smoky Mountains region of our State, to remember those precious lives lost, and to recognize our heroic first responders who have worked diligently to contain the damage.

As the work continues, we pray that healing rain would fall, literally, across eastern Tennessee this week, that businesses would be able to quickly reopen, and that visitors would once again flock to this treasured region of our State to experience all that Gatlinburg has to offer.

#### FIDEL CASTRO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DESANTIS) for 5 minutes.

Mr. DESANTIS. Mr. Speaker, last week marked the death of the tyrant in Cuba, Fidel Castro. This is a man whose regime was marked by the suppression of God-given rights—the right to religion, to speech, to assemble.

The people who disagreed with the regime in Castro's Cuba were jailed or tortured. People who had spent their lives building businesses, restaurants, and hotels had their property confiscated after the Cuban revolution. People were executed by the thousands who ran afoul of the regime.

□ 1045

Now, in pre-Castro Cuba, you had economic opportunity and prosperity, but you did have a yearning for democratic reforms. It was effectively an authoritarian system, and Castro capitalized on this by pointing out that we needed to have free elections. There were people who supported Castro initially because they thought he was going to usher in democratic reforms. He duped people. Once he had the opportunity to seize power, he sided with the Soviet Union and imposed a Stalinist tyranny on the small island nation.

I think it is interesting, when people look back, to see how poorly Cuba has done under his rule. Compare that with a lot of the Cuban exiles who left Castro's tyranny. These are people—many of them—who came to Florida. A lot of them didn't speak the language. They were in a new country and didn't necessarily have a whole lot of advantages; yet Cuban Americans, in our country, have excelled at all levels—in business, in government, in athletics, in entertainment. You name it.

Meanwhile, you look at the people, over the last decades, in Cuba, and unless you are attached to the ruling class—the regime—to the intelligence services, or to the military, you basically have no shot to do anything to advance your life and to make the most of your God-given abilities. Of the Cuban exiles who came to Florida, a lot of them were responsible for really putting Miami on the map. I think that shows that, when you have folks fleeing from a tyranny and going to freedom, they can succeed beyond people's wildest dreams, but the people who are suffering under the tyranny just have nowhere to go.

It is funny because, if you look at some of the media reports, Castro is lauded by some as an egalitarian—that this was a big deal that he was an egalitarian. Look, I have to admit that part of that was true. I mean, he was an egalitarian in the sense that he inflicted the equal suffering—equal misery—upon broad cross-sections of the Cuban people. That much is true, but it is obviously false in the sense that his thing was not egalitarianism. It was to amass power for himself. He died a billionaire. This was the avant-garde of the working class, supposedly. He was a billionaire while many Cubans struggled to even eat, and, certainly, they could not prosper.

We also shouldn't forget that this was a very reckless leader. He brought the world to the brink of a nuclear confrontation in 1962 during the Cuban Missile Crisis. Once the Soviet Union expired and we had access to these files, Castro was urging Khrushchev to nuke the United States. So you had Khrushchev—this crusty, Communist, Soviet leader—having to be the voice of reason in telling Castro: no, we are not going to do that, or we will end up in a thermonuclear war. If it had been up to Fidel Castro, those nuclear bombs would have been launched.

This is not a complicated legacy. This is not the George Washington of Cuba, as some have said. Washington refused power. He won a war, refused power, and could have aggrandized power for himself. He did the exact opposite. Castro wrecked Cuba and turned it into an island prison in order to amass power and wealth for himself, and that is his legacy.

The most damning evidence of his failure, of his tyranny, and of his evil nature are the tens of thousands of people who perished while fleeing Cuba and going through the Straits of Florida. Those watery graves really stand as a monument to Castro's barbarity because these were people who knew that, very likely, they were not going to be able to make it as these were shark-infested waters. Yet even the small chance of their escaping freedom and Castro's tyranny was so oppressive that they were willing to do that while knowing that they would, most likely, meet their own demise.

As we look forward, let's be honest about the nature of this regime. Let's commit to having policies that will actually put pressure on the regime and that will help those people who are still in Cuba and who are trying to fight the good fight for freedom, for free elections, and for democratic reforms.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Rabbi Shea Hecht, Hadar Hatorah Yeshiva, Brooklyn, New York, offered the following prayer:

Heavenly Father, help us be honest enough to admit our shortcomings, brilliant enough to accept flattery without arrogance, tall enough to

tower above deceit, strong enough to treasure love, brave enough to welcome criticism, compassionate enough to understand human frailties, wise enough to recognize our mistakes, humble enough to appreciate greatness, and righteous enough to be devoted to the love of God.

Almighty God, inspire the leaders in Congress to inspire all the people. Bestow Your infinite blessings upon all the citizens of this great country.

We pray for the safety of our Armed Forces and that every soldier return home safely after fulfilling Your mission.

We pray that the world be a better place for all mankind; that we rid ourselves of prejudice and hatred, poverty and addiction, greed, jealousy, and selfishness, and that all these ills are replaced with love and harmony, peace and tranquility, respect and dignity, sanctity of marriage, family and community.

May this country, the greatest country of the world, go from strength to strength.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING RABBI SHEA HECHT

The SPEAKER. Without objection, the gentleman from New York (Mr. GIBSON) is recognized for 1 minute.

There was no objection.

Mr. GIBSON. Mr. Speaker, I rise today to thank Rabbi Shea Hecht for his opening prayer. Rabbi Hecht, a Chabad Rabbi, is the chairman of the board of the National Committee for the Furtherance of Jewish Education.

Rabbi Hecht has brought together people of different faiths, races, and backgrounds in New York to promote peace through understanding. These principles hold true in New York, as they do throughout the country and right here in this body.

One thing that my time in Congress has reinforced in me is that prayer matters. The daily opening prayers here in the Chamber set the tone for my day and often help me reflect on how to be a better husband, father, and Congressman.

I join Rabbi Hecht in his pursuit for peace at home and abroad and thank him for his meaningful prayer. I certainly thank his family as well, including Rabbis Hanoach and Yitzchok, rabbis in the Hudson Valley.

Mr. Speaker, I am very grateful.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### CONGRATULATING CHAIRMAN TOM PRICE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Tuesday morning, President-elect Donald Trump made an extraordinary cabinet selection by appointing Chairman Dr. TOM PRICE to serve as America's Secretary of Health and Human Services.

President-elect Trump announced: "Chairman PRICE, a renowned physician, has earned a reputation for being a tireless problem solver and the go-to expert on healthcare policy, making him the ideal choice to serve in this capacity. He is exceptionally qualified to shepherd our commitment to repeal and replace ObamaCare and bring affordable and accessible healthcare to every American."

I am grateful to have served alongside Chairman PRICE in the House of Representatives and I was honored to be an original cosponsor of his legislation, the Empowering Patients First Act. This is a comprehensive healthcare plan that puts Americans in control of their healthcare plans and choices, not the government.

Congratulations to Dr. TOM PRICE, his wife, State representative Betty, and their son, Robert, my former intern, on this deserved honor. I look forward to watching his success in this new role for the American people.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

#### PIONEERING MEDICAL RESEARCH LEGISLATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise today in support of the 21st Century Cures Act and the hope and help it brings to those whose lives have been touched by disease or addiction.

In my western New York community, opioid overdoses doubled from 2014 to 2015, and, tragically, that number is expected to double again this year. This bill delivers funds to help States and families fight the epidemic.

This legislation also makes substantial investments in pioneering research

for those fighting cancer, Alzheimer's, and other debilitating diseases, bringing us closer to the promise of better treatments and cures for the afflicted and hope to those who love and care for them.

The 21st Century Cures Act also provides tens of billions of dollars more in research funds to accelerate promising cancer research in our Nation's leading cancer centers, including Buffalo's Roswell Park Cancer Institute.

#### RECOGNIZING NATIONAL ADOPTION MONTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of National Adoption Month, which is observed each November.

The goal of National Adoption Month is to increase national awareness of adoption and to bring attention to the need for permanent families for children and youth in the foster care system. As of September 30 of last year, there were more than 110,000 children across our Nation waiting to be adopted.

This year, the initiative focuses on older youth adoptions, which has a special significance to me. When I was 11 years old, my family welcomed a foster care child, Bob, into our home. Bob, throughout the years, has been a part of my life since I was 11 and will be my brother for life. In fact, it is because of Bob that I developed a lifelong passion for scouting and was eventually motivated to a call to public service.

I commend the men and women across our Nation who have selflessly decided to open their homes to these boys and girls, providing good homes at a very challenging time for these young people.

To all the parents who have either adopted a child or participated in foster care: Thank you.

#### HATE CRIMES

(Ms. GRAHAM asked and was given permission to address the House for 1 minute.)

Ms. GRAHAM. Mr. Speaker, today I rise to speak out against hate. Across our country, incidents of hate crimes and harassment are on the rise.

Just this last week, the trend reared its ugly head in my hometown of Tallahassee. A community office was vandalized with the letters KKK painted across the door.

With the rise in hate, we have also seen an increase in indifference. Too many are turning a blind eye. But there can be no tolerance for racism, bigotry or anti-Semitism in the United States of America.

The opposite of love is not hate. It is indifference. I won't be indifferent. I won't be silent. I am asking each of you to speak out against acts of hate

wherever you see them. We cannot be bullied or intimidated. We must fight back. Together, we are stronger than any hatred.

#### HELPING DISABLED VETERANS

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. Mr. Speaker, I rise today to applaud the unanimous passage last night of the Veterans Mobility Safety Act.

With this commonsense bill on its way to the President's desk, we are making sure the mobility equipment veterans depend on is safe. The VA helps disabled veterans update their vehicles with things like wheelchair lifts and easier steering and braking to improve their quality of life. But outdated policies and lack of standards in the program have led to safety issues for veterans and the driving public.

With my bill, the VA will develop new policies and standards to ensure veterans have access to safe, high-quality mobility equipment.

I thank Chairman MILLER for his tireless work on veterans' issues, as well as my colleagues, Representatives BROWNLEY and RUIZ, Paralyzed Veterans of America, and the National Mobility Equipment Dealers Association for their work on this bill.

Mr. Speaker, we owe a debt of gratitude to our disabled veterans, and that includes making sure the mobility equipment they need is safe and reliable. With this bill, we are doing just that.

#### FIDEL CASTRO'S DEATH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in the wake of the announcement of Fidel Castro's death, some world leaders and some in the media were quick to express their sorrow and sympathy for Castro.

They fawned over a dictator, as Canadian Prime Minister Justin Trudeau claimed he was "a legendary revolutionary and orator."

It is precisely this ignorance of Castro's true nature that is so alarming. Fidel Castro was a ruthless tyrant who ruled with an iron fist. Castro was responsible for the deaths of countless Cubans, and he beat, jailed, and even tortured his opposition.

Castro was a despot who confiscated private property and businesses. He subjugated Cuban citizens, and he took away all their freedoms and their rights.

Fidel Castro was an avowed enemy of the United States. This is a thug who should be condemned and not eulogized.

#### REMEMBERING REGIS BOBONIS OF SEWICKLEY, PENNSYLVANIA

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, today I rise to remember an outstanding member of the Sewickley, Pennsylvania, community: the late Regis Bobonis, who passed away this past November 25.

This great American was a man of many firsts. He was the first African American news reporter for the Pittsburgh Post-Gazette and the first African American television news reporter in Pittsburgh. Following his career in communications, he served as the public relations director for Mercy Hospital for 25 years.

Prior to these achievements, Regis Bobonis served as a Petty Officer 3rd Class during World War II, and he was a committed husband, father, and grandfather. He and his late wife, Hurley Williams, remained married for 53 years before her passing.

Through his work for the Daniel B. Matthews Historical Society in Sewickley, Mr. Bobonis discovered there were more Tuskegee Airmen from western Pennsylvania than any other State in the Nation. His discovery led him to spearhead the campaign that resulted in the largest outdoor memorial to the Tuskegee Airmen, which is in Sewickley Cemetery, pictured to my left.

Mr. Bobonis' sterling example and lasting contributions to our community will not be forgotten. May his family be consoled, and may he rest in peace.

#### BRIDGES TO HOPE

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute.)

Mr. WESTERMAN. Mr. Speaker, I believe the number one way to move people from poverty to self-reliance is not a government program. If we want to make a difference in the lives of the impoverished, we must help them find a pathway to employment.

In my hometown of Hot Springs, Arkansas, a nonprofit has taken this mission to heart. Cooperative Christian Ministries and Clinic works with disadvantaged residents to give them skills that will give them a step up in the workforce. The ministry's program, Bridges to Hope, has worked with local employers in Hot Springs to put its graduates to work, and it is seeing great success. According to a report by the local Sentinel-Record newspaper, Oaklawn Race Track has employed four graduates, all of whom have had a 100 percent success rate, according to Oaklawn General Manager Eric Jackson.

The first Bridges to Hope class graduated only 90 days ago, but its success is already resounding as residents in

the Fourth Congressional District of Arkansas are finding satisfaction and self-reliance through employment.

I thank Bridges of Hope for its work in my hometown, and I hope to see its efforts not only grow, but also be replicated, because there is a better way to fight poverty and it is still the best anti-poverty program of all time—a job.

#### DEPARTMENT OF LABOR OVERTIME RULE UPDATE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, last week, a Texas judge granted an emergency injunction against the Department of Labor's overtime rule.

This disastrous overtime rule is yet another attempt by this administration to legislate outside of reason and job description to impose their "we know what is best for you" agenda.

This rule, set to go into effect December 1, would double the overtime salary threshold almost overnight. For Americans, this overtime rule would mean fewer job prospects, less flexibility, and less opportunity.

I have stood before this body many times telling the stories of small businesses that have come to me and warned me of the struggles their employees and families would face because of this overtime rule.

Schools and universities back home in my district were negatively impacted by this rule and the possibility of having to inform employees of a partial paycheck right before the holidays. Despite outcry and outrage from folks back home, the administration pushed forward with its unpopular overtime rule.

Thankfully, the courts got it right. I thank the courts for standing up for the rule of law and the American people.

□ 1215

#### THE OHIO STATE UNIVERSITY KEEPS STUDENTS SAFE

(Mr. TIBERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, I rise today to recognize The Ohio State University, their emergency management team, and all our police officers and first responders who took swift action on Monday to keep our students safe and stop an attacker wielding a knife. My thoughts and prayers are with the victims who were injured, and I wish them a quick and full recovery.

As a fellow Buckeye, it is difficult to even fathom that senseless violence like this can happen even on one of our own campuses. I walked those sidewalks as a student, and just a few days ago I was with my wife on campus.

With the unpredictable threats and the potential emergencies we face today, we must be prepared, and we must always be vigilant.

I am sincerely grateful to The Ohio State University that they were ready. An OSU police officer, who is also a graduate of the university, is a hero for stopping a potential terror attack that ISIS has claimed responsibility for. The university effectively utilized emergency response protocol to keep thousands of students on campus out of harm's way.

Mr. Speaker, America's universities and colleges are places where students should safely engage with their classmates, where they are challenged, and where they find opportunities to succeed in our great Nation. That is certainly the case at The Ohio State University.

As we continue to pray for our students' safety and security, we must stand with the Buckeye community. We are Buckeye strong.

#### HONORING WAYNE STATE UNIVERSITY POLICE K9 OFFICER COLLIN ROSE

(Mr. BISHOP of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Michigan. Mr. Speaker, I rise today with a heavy heart to pay tribute to a fallen Wayne State University Police K9 Officer Collin Rose, who died in the line of duty on Tuesday, November 22, 2016.

Officer Rose was a man of the community, who visited schools and trained police dogs. He was a Ferris State University Criminal Justice and Law Enforcement Academy graduate. And tragically, Officer Rose became the fifth officer to be shot in the United States in a matter of days.

It is completely unacceptable. This trend of violence and murder against the very people who serve and protect us, there are no words. It must stop.

These brave men and women in uniform are more than their occupation. They are husbands, they are wives, they are brothers, and sisters. They are our children. In Officer Rose's case, he was somebody's fiance, preparing to get married in less than a year from now.

As much as we think that their job is to protect us, it is our job to ensure their safety as well. Our communities must work with the police to open dialogue and voice concerns peacefully. Every single American must respect our police and men and women in uniform.

Please join me today in praying for Officer Rose's family, friends, and the entire Wayne State Police Force during this time of tragedy. His life and legacy will never be forgotten.

#### SUPPORT INNOVATION, RESEARCH, AND LIFESAVING CURES TO DISEASES

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today in support of innovation, research, and lifesaving cures to diseases that affect every family in every neighborhood of America.

We are set to begin a new era in Washington in January, but we still have the opportunity to accomplish meaningful change before the end of this year. We have the opportunity to save lives by passing the 21st Century Cures Act and getting it signed into law.

For example, right now, each year, 700,000 people die with Alzheimer's disease annually. By 2050, estimates are that our country will spend over \$1 trillion alone just to treat patients with Alzheimer's. Yet, we spend just a few hundred million dollars a year on Alzheimer's research.

This weekend, 60 Minutes highlighted an NIH-backed Alzheimer's study and the amazing work our researchers are doing to find a cure for this dreadful disease.

21st Century Cures increases our commitment to studies like these by adding almost \$5 billion in new investment for research over the next 10 years.

Mr. Speaker, if we support 21st Century Cures, we not only save lives, but our investment will pay for itself a thousand times over.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 30, 2016.

Hon. PAUL D. RYAN,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 30, 2016, at 9:18 a.m.:

That the Senate request return of official papers to make a technical correction to the engrossment H. Con. Res 122.

That the Senate passed S. 2944.

That the Senate passed S. 3438.

That the Senate passed S. 461.

That the Senate passed without amendment H.R. 4419.

That the Senate passed without amendment H.R. 5785.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

REQUESTING RETURN OF H. CON. RES. 122, PROTECTION OF THE RIGHT OF TRIBES TO STOP THE EXPORT OF CULTURAL AND TRADITIONAL PATRIMONY RESOLUTION

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

*In the Senate of the United States, November 29, 2016.*

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the Concurrent resolution (H. Con. Res. 122) entitled "Concurrent resolution supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.", together with all accompanying papers, and that upon the compliance of the request, the Enrolling Clerk of the Senate may make a technical correction in the engrossment of the aforesaid bill.

Attest:

JULIE E. ADAMS,  
Secretary

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H. Con. Res. 122 and the Senate amendment thereto will be returned to the Senate.

There was no objection.

CONFERENCE REPORT ON S. 2943, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. THORNBERRY submitted the following conference report and statement on the bill (S. 2943) 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:

CONFERENCE REPORT (H. REPT. 114-840)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

**SECTION 1. SHORT TITLE.**

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

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

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

(1) **Division A—Department of Defense Authorizations.**

(2) **Division B—Military Construction Authorizations.**

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

(4) **Division D—Funding Tables.**

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

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

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

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

Sec. 113. Distributed Common Ground System—Army increment 1.

Sec. 114. Assessment of certain capabilities of the Department of the Army.

**Subtitle C—Navy Programs**

Sec. 121. Determination of vessel delivery dates.

Sec. 122. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.

Sec. 123. Littoral Combat Ship.

Sec. 124. Limitation on use of sole-source shipbuilding contracts for certain vessels.

Sec. 125. Limitation on availability of funds for the Advanced Arresting Gear Program.

Sec. 126. Limitation on availability of funds for procurement of U.S.S. Enterprise (CVN-80).

Sec. 127. Sense of Congress on aircraft carrier procurement schedules.

Sec. 128. Report on P-8 Poseidon aircraft.

Sec. 129. Design and construction of replacement dock landing ship designated LX(R) or amphibious transport dock designated LPD-29.

**Subtitle D—Air Force Programs**

Sec. 131. EC-130H Compass Call recapitalization program.

Sec. 132. Repeal of requirement to preserve certain retired C-5 aircraft.

Sec. 133. Repeal of requirement to preserve F-117 aircraft in recallable condition.

Sec. 134. Prohibition on availability of funds for retirement of A-10 aircraft.

Sec. 135. Limitation on availability of funds for destruction of A-10 aircraft in storage status.

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#### SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

#### SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

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Sec. 146. Report on alternative management structures for the F-35 joint strike fighter program.

Sec. 147. Comptroller General review of F-35 Lightning II aircraft sustainment support.

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#### Subtitle A—Authorization of Appropriations

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

###### Subtitle B—Army Programs

##### SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64E APACHE HELICOPTERS.

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

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

##### SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-60M AND HH-60M BLACK HAWK HELICOPTERS.

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

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

##### SEC. 113. DISTRIBUTED COMMON GROUND SYSTEM—ARMY INCREMENT 1.

(a) TRAINING FOR OPERATORS.—The Secretary of the Army shall take such actions as may be necessary to improve and tailor training for covered units in the versions of increment 1 that are in use on the date of the enactment of this Act.

(b) FIELDING OF CAPABILITY.—

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

(2) COMMERCIALY AVAILABLE CAPABILITIES.—In carrying out paragraph (1), the Secretary shall procure commercially available off-the-shelf technologies that—

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

(B) can integrate and communicate with covered units at the tactical unit level and at higher unit levels;

(C) are substantially easier for personnel to use than the Distributed Common Ground System—Army; and

(D) require less training than the Distributed Common Ground System—Army.

(c) LIMITATION ON THE AWARD OF CONTRACT.—The Secretary may not enter into a contract for the design, development, or procurement of any data architecture, data integration, or “cloud” capability, or any data analysis or data visualization and workflow capability (including warfighting function tools relating to increment 1 of the Distributed Common Ground System—Army) for covered units unless the contract—

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

(2) is awarded in accordance with applicable law and regulations providing for the use of competitive procedures or procedures applicable to the procurement of commercial items including parts 12 and 15 of the Federal Acquisition Regulation;

(3) is a fixed-price contract; and

(4) provides that the technology to be procured under the contract will—

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

(B) achieve initial operating capability not later than nine months after the date on which the contract is awarded; and

(C) achieve full operating capability not later than 18 months after the date on which the contract is awarded.

(d) WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the limitation in subsection (c) if the Secretary submits to the appropriate congressional committees a written statement declaring that such limitation would adversely affect ongoing operational activities.

(2) NONDELEGATION.—The Secretary of Defense may not delegate the waiver authority under paragraph (1).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED UNITS.—The term “covered units” means military units that use increment 1 of the Distributed Common Ground System—Army, including tactical units and operators at the division, brigade, and battalion levels, and tactical units below the battalion level.

**SEC. 114. ASSESSMENT OF CERTAIN CAPABILITIES OF THE DEPARTMENT OF THE ARMY.**

(a) ASSESSMENT.—The Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, shall conduct an assessment of the following capabilities with respect to the Department of the Army:

(1) The capacity of AH-64 Apache-equipped attack reconnaissance battalions to meet future needs.

(2) Air defense artillery capacity and responsiveness, including—

(A) the capacity of short-range air defense artillery to address existing and emerging threats, including threats posed by unmanned aerial systems, cruise missiles, and manned aircraft; and

(B) the potential for commercial off-the-shelf solutions.

(3) Chemical, biological, radiological, and nuclear capabilities and modernization needs.

(4) Field artillery capabilities, including—

(A) modernization needs;

(B) munitions inventory shortfalls; and

(C) changes in doctrine and war plans consistent with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians.

(5) Fuel distribution and water purification capacity and responsiveness.

(6) Watercraft and port-opening capabilities and responsiveness.

(7) Transportation capacity and responsiveness, particularly with respect to the transportation of fuel, water, and cargo.

(8) Military police capacity.

(9) Tactical mobility and tactical wheeled vehicle capacity, including heavy equipment prime movers.

(b) REPORT.—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) the assessment conducted under subsection (a);

(2) recommendations for reducing or eliminating shortfalls in responsiveness and capacity with respect to each of the capabilities described in such subsection; and

(3) an estimate of the costs of implementing such recommendations.

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

**Subtitle C—Navy Programs**

**SEC. 121. DETERMINATION OF VESSEL DELIVERY DATES.**

(a) DETERMINATION OF VESSEL DELIVERY DATES.—

(1) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7300 the following new section:

**“§ 7301. Determination of vessel delivery dates**

“(a) IN GENERAL.—The delivery of a covered vessel shall be deemed to occur on the date on which—

“(1) the Secretary of the Navy determines that the vessel is assembled and complete; and

“(2) custody of the vessel and all systems contained in the vessel transfers to the Navy.

“(b) INCLUSION IN BUDGET AND ACQUISITION REPORTS.—The delivery dates of covered vessels shall be included—

“(1) in the materials submitted to Congress by the Secretary of Defense in support of the bud-

get of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code); and

“(2) in any relevant Selected Acquisition Report submitted to Congress under section 2432 of this title.

“(c) COVERED VESSEL DEFINED.—In this section, the term ‘covered vessel’ means any vessel of the Navy that is under construction on or after the date of the enactment of this section using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7300 the following new item:

“7301. Determination of vessel delivery dates.”.

(b) CERTIFICATION.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Navy shall certify to the congressional defense committees that the delivery dates of the following vessels have been adjusted in accordance with section 7301 of title 10, United States Code, as added by subsection (a):

(A) The U.S.S. John F. Kennedy (CVN-79).

(B) The U.S.S. Zumwalt (DDG-1000).

(C) The U.S.S. Michael Monsoor (DDG-1001).

(D) The U.S.S. Lyndon B. Johnson (DDG-1002).

(E) Any other vessel of the Navy that is under construction on the date of the enactment of this Act.

(2) CONTENTS.—The certification under paragraph (1) shall include—

(A) an identification of each vessel for which the delivery date was adjusted; and

(B) the delivery date of each such vessel, as so adjusted.

**SEC. 122. 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. 123. LITTORAL COMBAT SHIP.**

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

(1) IN GENERAL.—The Secretary of Defense shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for each fiscal year through fiscal year 2022 a report on Littoral Combat Ship mission packages.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to each Littoral Combat Ship mission package and increment, the following:

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

(i) projected unit costs compared to originally estimated unit costs for each system that comprises the mission package;

(ii) projected development costs, procurement costs, and 20-year sustainment costs compared to original estimates of such costs for each system that comprises the mission package;

(iii) demonstrated performance compared to required performance for each system that com-

prises the mission package and for the mission package as a whole;

(iv) problems relating to realized and potential costs, schedule, or performance; and

(v) any development plans, production plans, or sustainment and mitigation plans that may be implemented to address such problems.

(B) A description, including dates, of each developmental test, operational test, integrated test, and follow-on test event that is—

(i) completed in the fiscal year preceding the fiscal year covered by the report; and

(ii) expected to be completed in the fiscal year covered by the report and any of the following five fiscal years.

(C) The date on which initial operational capability is expected to be attained and a description of the performance level criteria that must be demonstrated to declare that such capability has been attained.

(D) A description of—

(i) the systems that attained initial operational capability in the fiscal year preceding the fiscal year covered by the report; and

(ii) the performance level demonstrated by such systems compared to the performance level required of such systems.

(E) The acquisition inventory objective for each system.

(F) An identification of—

(i) each location (including the city, State, and country) to which systems were delivered in the fiscal year preceding the fiscal year covered by the report; and

(ii) the quantity of systems delivered to each such location.

(G) An identification of—

(i) each location (including the city, State, and country) to which systems are projected to be delivered in the fiscal year covered by the report and any of the following five fiscal years; and

(ii) the quantity of systems projected to be delivered to each such location.

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

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall include in the materials submitted in support of the budget of the President (as submitted to Congress under section 1105(a) of title 31, United States Code) for fiscal year 2018 the certification described in paragraph (2).

(2) CERTIFICATION.—The certification described in this paragraph is a certification with respect to Littoral Combat Ship mission packages that includes, as of the fiscal year covered by the certification, the program of record quantity for—

(A) surface warfare mission packages;

(B) anti-submarine warfare mission packages; and

(C) mine countermeasures mission packages.

(c) LIMITATIONS.—

(1) LIMITATION ON DEVIATION FROM ACQUISITION STRATEGY.—

(A) IN GENERAL.—The Secretary of Defense may not revise or deviate from revision three of the Littoral Combat Ship acquisition strategy, until the date on which the Secretary submits to the congressional defense committees the certification described in subparagraph (B).

(B) CERTIFICATION.—The certification described in this subparagraph is a certification that includes—

(i) the rationale of the Secretary for revising or deviating from revision three of the Littoral Combat Ship acquisition strategy;

(ii) a description of each such revision or deviation; and

(iii) the Littoral Combat Ship acquisition strategy that is in effect following the implementation of such revisions or deviations.

(2) LIMITATION ON SELECTION OF SINGLE CONTRACTOR.—The Secretary of Defense may not select only a single prime contractor to construct the Littoral Combat Ship or any successor frigate class ship unless such selection—

(A) is conducted using competitive procedures and for the limited purpose of awarding a contract or contracts for—

- (i) an engineering change proposal for a frigate class ship; or
  - (ii) the construction of a frigate class ship; and
- (B) occurs only after a frigate design has—
- (i) reached sufficient maturity and completed a preliminary design review; or
  - (ii) demonstrated an equivalent level of design completeness.

(d) DEFINITIONS.—In this section:

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

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

(3) REVISION THREE.—The term “revision three of the Littoral Combat Ship acquisition strategy” means the third revision of the Littoral Combat Ship acquisition strategy approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics on March 29, 2016.

(e) REPEAL OF QUARTERLY REPORTING REQUIREMENT.—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1657) is amended—

- (1) by striking subsection (b); and
- (2) by striking “(a) DESIGNATION REQUIRED.—”.

**SEC. 124. LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 for joint high speed vessels or expeditionary fast transports may be used to enter into or prepare to enter into a contract on a sole-source basis for the construction of such vessels or transports unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

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

(1) awarding a contract for the construction of one or more joint high speed vessels or expeditionary fast transports on a sole-source basis is in the national security interests of the United States;

(2) the construction of the vessels or transports will not result in exceeding the requirement for the ship class, as described in the most recent Navy force structure assessment;

(3) the contract will be a fixed-price contract;

(4) the price of the contract will be fair and reasonable, as determined by the service acquisition executive of the Navy; and

(5) the contract will provide for the United States to have Government purpose rights in the data for the ship design.

(c) REPORT.—The report described in this subsection is a report that includes—

(1) an explanation of the rationale for awarding a contract for the construction of joint high speed vessels or expeditionary fast transports on a sole-source basis; and

(2) a description of—

(A) actions that may be carried out to ensure that, if additional ships in the class are procured after the award of the contract referred to in paragraph (1), the contracts for the ships shall be awarded using competitive procedures; and

(B) with respect to each such action, an implementation schedule and any associated cost

savings, as compared to a contract awarded on a sole-source basis.

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

(a) ADVANCED ARRESTING GEAR FOR U.S.S. ENTERPRISE.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. Enterprise (CVN-80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described in section 2432 of title 10, United States Code, for the most recently concluded fiscal quarter for the Advanced Arresting Gear Program in accordance with subsection (c)(1).

(b) ADVANCED ARRESTING GEAR FOR U.S.S. JOHN F. KENNEDY.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the research and development, design, procurement, or advanced procurement of materials for advanced arresting gear for the U.S.S. John F. Kennedy (CVN-79) may be obligated or expended unless—

(1) the decision to install advanced arresting gear on the vessel is determined by the milestone decision authority for the Program; and

(2) the milestone decision authority for the Program submits notification of such determination to the congressional defense committees.

(c) ADDITIONAL REQUIREMENTS.—

(1) TREATMENT OF BASELINE ESTIMATE.—The Secretary of Defense shall deem the Baseline Estimate for the Advanced Arresting Gear Program for fiscal year 2009 as the original Baseline Estimate for the Program.

(2) UNIT COST REPORTS AND CRITICAL COST GROWTH.—

(A) Subject to subparagraph (B), the Secretary shall carry out sections 2433 and 2433a of title 10, United States Code, with respect to the Advanced Arresting Gear Program, as if the Department had submitted a Selected Acquisition Report for the Program that included the Baseline Estimate for the Program for fiscal year 2009 as the original Baseline Estimate, except that the Secretary shall not carry out subparagraph (B) or subparagraph (C) of section 2433a(c)(1) of such title with respect to the Program.

(B) In carrying out the review required by section 2433a of such title, the Secretary shall not approve a contract, enter into a new contract, exercise an option under a contract, or otherwise extend the scope of a contract for advanced arresting gear for the U.S.S. Enterprise (CVN-80), except to the extent determined necessary by the milestone decision authority, on a non-delegable basis, to ensure that the Program can be restructured as intended by the Secretary without unnecessarily wasting resources.

(d) DEFINITIONS.—In this section:

(1) BASELINE ESTIMATE.—The term “Baseline Estimate” has the meaning given the term in section 2433(a)(2) of title 10, United States Code.

(2) MILESTON DECISION AUTHORITY.—The term “milestone decision authority” has the meaning given the term in section 2366b(g)(3) of title 10, United States Code.

(3) ORIGINAL BASELINE ESTIMATE.—The term “original Baseline Estimate” has the meaning given the term in section 2435(d)(1) of title 10, United States Code.

(4) SELECTED ACQUISITION REPORT.—The term “Selected Acquisition Report” means a Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

**SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF U.S.S. ENTERPRISE (CVN-80).**

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement for the U.S.S. Enter-

prise (CVN-80), not more than 25 percent may be obligated or expended until the date on which the Secretary of the Navy and the Chief of Naval Operations jointly submit to the congressional defense committees the report under subsection (b).

(b) INITIAL REPORT ON CVN-79 AND CVN-80.—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall jointly submit to the congressional defense committees a report that includes a description of actions that may be carried out (including de-scoping requirements, if necessary) to achieve a ship end cost of—

(1) not more than \$12,000,000,000 for the CVN-80; and

(2) not more than \$11,000,000,000 for the U.S.S. John F. Kennedy (CVN-79).

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

(1) IN GENERAL.—Together with the budget of the President for each fiscal year through fiscal year 2021 (as submitted to Congress under section 1105(a) of title 31, United States Code) the Secretary of the Navy and the Chief of Naval Operations shall submit a report on the efforts of the Navy to achieve the ship end costs described in subsection (b) for the CVN-79 and CVN-80.

(2) ELEMENTS.—The report under paragraph (1) shall include, with respect to the procurement of the CVN-79 and the CVN-80, the following:

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

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

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

(D) A schedule that includes—

(i) a plan for spending with phasing of key obligations and outlays;

(ii) decision points describing when savings may be realized; and

(iii) key events that must occur to execute initiatives and achieve savings.

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

(F) A description of risks that may result from achieving the procurement end costs specified in subsection (b).

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

**SEC. 127. SENSE OF CONGRESS ON AIRCRAFT CARRIER PROCUREMENT SCHEDULES.**

(a) FINDINGS.—Congress finds the following:

(1) In the Congressional Budget Office report titled “An Analysis of the Navy’s Fiscal Year 2016 Shipbuilding Plan”, the Office stated as follows: “To prevent the carrier force from declining to 10 ships in the 2040s, 1 short of its inventory goal of 11, the Navy could accelerate purchases after 2018 to 1 every four years, rather than 1 every five years”.

(2) In a report submitted to Congress on March 17, 2015, the Secretary of the Navy indicated the Department of the Navy has a requirement of 11 aircraft carriers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the plan of the Department of the Navy to schedule the procurement of one aircraft carrier every five years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements; and

(2) to accommodate the required aircraft carrier force structure, the Department of the Navy should—

(A) begin to program construction for the next aircraft carrier to be built after the U.S.S. Enterprise (CVN-80) in fiscal year 2022; and

(B) program the required advance procurement activities to accommodate the construction of such carrier.

**SEC. 128. REPORT ON P-8 POSEIDON AIRCRAFT.**

(a) **REPORT REQUIRED.**—Not later than October 1, 2017, the Secretary of the Navy shall submit to the congressional defense committees a report on potential upgrades to the capabilities of the P-8 Poseidon aircraft.

(b) **ELEMENTS.**—The report under subsection (a) shall include, with respect to the P-8 Poseidon aircraft, the following:

(1) A review of potential upgrades to the sensors onboard the aircraft, including upgrades to intelligence sensors, surveillance sensors, and reconnaissance sensors such as those being fielded on MQ-4 Global Hawk aircraft platforms.

(2) An assessment of the ability of the Navy to use long-range multispectral imaging systems onboard the aircraft that are similar to such systems being used onboard the MQ-4 Global Hawk aircraft.

**SEC. 129. DESIGN AND CONSTRUCTION OF REPLACEMENT DOCK LANDING SHIP DESIGNATED LX(R) OR AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD-29.**

(a) **IN GENERAL.**—The Secretary of the Navy may enter into a contract, beginning with the fiscal year 2017 program year, for the design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD-29 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) **USE OF INCREMENTAL FUNDING.**—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

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

**Subtitle D—Air Force Programs****SEC. 131. EC-130H COMPASS CALL RECAPITALIZATION PROGRAM.**

(a) **AUTHORIZATION.**—Subject to subsection (b), the Secretary of the Air Force may carry out a program to transfer the primary mission equipment of the EC-130H Compass Call aircraft fleet to an aircraft platform that the Secretary determines—

(1) is more operationally effective and survivable than the existing EC-130H Compass Call aircraft platform; and

(2) meets the requirements of the combatant commands.

(b) **LIMITATION.**—

(1) Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for procurement may be obligated or expended on the program under subsection (a) until the date on which the Secretary of the Air Force determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

(2) The limitation in paragraph (1)—

(A) shall not apply to the development and procurement of the first two aircraft under the program; and

(B) shall not limit the authority of the Secretary to enter into a contract that may include an option for the future production of aircraft under the program if—

(i) the exercise of such option is at the discretion of the Secretary; and

(ii) such option is not exercised until the Secretary determines that there is a high likelihood that the program will meet the requirements of the combatant commands.

**SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CERTAIN RETIRED C-5 AIRCRAFT.**

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law

112-239; 126 Stat. 1659) is amended by striking subsection (d).

**SEC. 133. REPEAL OF REQUIREMENT TO PRESERVE F-117 AIRCRAFT IN RECALLABLE CONDITION.**

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

**SEC. 134. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A-10 AIRCRAFT.**

(a) **PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft.

(b) **ADDITIONAL LIMITATION ON RETIREMENT.**—In addition to the prohibition in subsection (a), the Secretary of the Air Force may not retire, prepare to retire, or place in storage or on backup aircraft inventory status any A-10 aircraft until a period of 90 days has elapsed following the date on which the Secretary submits to the congressional defense committees the report under subsection (e)(2).

(c) **PROHIBITION ON SIGNIFICANT REDUCTIONS IN MANNING LEVELS.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended to make significant reductions to manning levels with respect to any A-10 aircraft squadrons or divisions.

(d) **MINIMUM INVENTORY REQUIREMENT.**—The Secretary of the Air Force shall ensure the Air Force maintains a minimum of 171 A-10 aircraft designated as primary mission aircraft inventory until a period of 90 days has elapsed following the date on which the Secretary submits to the congressional defense committees the report under subsection (e)(2).

(e) **REPORTS REQUIRED.**—

(1) The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes—

(A) the results and findings of the initial operational test and evaluation of the F-35 aircraft program; and

(B) a comparison test and evaluation that examines the capabilities of the F-35A and A-10C aircraft in conducting close air support, combat search and rescue, and forward air controller airborne missions.

(2) Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) the views of the Secretary with respect to the results of the initial operational test and evaluation of the F-35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary with respect to such results;

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

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

(f) **SPECIAL RULE.**—

(1) Subject to paragraph (2), the Secretary of the Air Force may carry out the transition of the A-10 unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 unit as described by the Secretary in the Force Structure Actions map submitted in support of the budget of the President for fiscal year 2017 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(2) Subsections (a) through (e) shall apply with respect to any A-10 aircraft affected by the transition described in paragraph (1).

**SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A-10 AIRCRAFT IN STORAGE STATUS.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for the Air Force for fiscal year 2017 or any fiscal year thereafter may be obligated or expended to scrap, destroy, or otherwise dispose of any potential donor A-10 aircraft until the date on which the Secretary of the Air Force submits to the congressional defense committees the report required under section 134(e)(2).

(b) **NOTIFICATION AND CERTIFICATION.**—Not later than 45 days before taking any action to scrap, destroy, or otherwise dispose of any A-10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group, the Secretary of the Air Force shall—

(1) notify the congressional defense committees of the intent of the Secretary to take such action; and

(2) certify that the A-10 aircraft subject to such action does not have serviceable wings or other components that could be used to prevent the permanent removal of any active inventory A-10 aircraft from flyable status.

(c) **PLAN TO PREVENT REMOVAL A-10 AIRCRAFT FROM FLYABLE STATUS.**—The Secretary of the Air Force shall—

(1) include with the materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2018 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a plan to prevent the permanent removal of any active inventory A-10 aircraft from flyable status due to unserviceable wings or any other required component during the period covered by the future years defense plan submitted to Congress under section 221 of title 10, United States Code; and

(2) carry out such plan to prevent the permanent removal of any active inventory A-10 aircraft from flyable status.

(d) **POTENTIAL DONOR A-10 AIRCRAFT DEFINED.**—In this section, the term “potential donor A-10 aircraft” means any A-10 aircraft in any storage status in the 309th Aerospace Maintenance and Regeneration Group that has serviceable wings or other components that could be used to prevent any active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

**SEC. 136. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM AIRCRAFT.**

(a) **PROHIBITION.**—Except as provided by subsection (b) and in addition to the prohibition under section 144 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 758), none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Air Force may be obligated or expended to retire, or prepare to retire, any Joint Surveillance Target Attack Radar System aircraft.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to individual Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

**SEC. 137. ELIMINATION OF ANNUAL REPORT ON AIRCRAFT INVENTORY.**

Section 231a of title 10, United States Code, is amended—

(1) by striking subsection (e); and

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

**Subtitle E—Defense-wide, Joint, and Multiservice Matters****SEC. 141. STANDARDIZATION OF 5.56MM RIFLE AMMUNITION.**

(a) **REPORT.**—If, on the date that is 180 days after the date of the enactment of this Act, the

Army and the Marine Corps are using in combat two different types of enhanced 5.56mm rifle ammunition, the Secretary of Defense shall, on such date, submit to the congressional defense committees a report explaining the reasons that the Army and the Marine Corps are using different types of such ammunition.

(b) **STANDARDIZATION REQUIREMENT.**—Except as provided in subsection (c), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Army and the Marine Corps are using in combat one standard type of enhanced 5.56mm rifle ammunition.

(c) **EXCEPTION.**—Subsection (b) shall not apply in a case in which the Secretary of Defense—

(1) determines that a state of emergency requires the Army and the Marine Corps to use in combat different types of enhanced 5.56mm rifle ammunition; and

(2) certifies to the congressional defense committees that such a determination has been made.

**SEC. 142. FIRE SUPPRESSANT AND FUEL CONTAINMENT STANDARDS FOR CERTAIN VEHICLES.**

(a) **GUIDANCE REQUIRED.**—

(1) The Secretary of the Army shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Army.

(2) The Secretary of the Navy shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Marine Corps.

(b) **ELEMENTS.**—The guidance regarding fire suppressant and fuel containment standards issued pursuant to subsection (a) shall—

(1) meet the survivability requirements applicable to each class of covered vehicles;

(2) include standards for vehicle armor, vehicle fire suppression systems, and fuel containment technologies in covered vehicles; and

(3) balance cost, survivability, and mobility.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes—

(1) the policy guidance established pursuant to subsection (a), set forth separately for each class of covered vehicle; and

(2) any other information the Secretaries determine to be appropriate.

(d) **COVERED VEHICLES.**—In this section, the term “covered vehicles” means ground vehicles acquired on or after October 1, 2018, under a major defense acquisition program (as such term is defined in section 2430 of title 10, United States Code), including light tactical vehicles, medium tactical vehicles, heavy tactical vehicles, and ground combat vehicles.

**SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS.**

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

(b) **EXCEPTION FOR SAFETY.**—The limitation under subsection (a) shall not apply to the destruction of cluster munitions that the Secretary determines—

(1) are unserviceable as a result of an inspection, test, field incident, or other significant failure to meet performance or logistics requirements; or

(2) are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) **REPORT REQUIRED.**—

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

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including an explanation of the process through which commanders may seek waivers to use such munitions.

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

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

(D) A 10-year projection for the cost to develop and produce new cluster munitions that comply with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians that the Secretary determines are necessary to meet the demands of current operational plans.

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

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

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

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

**SEC. 144. REPORT ON DEPARTMENT OF DEFENSE MUNITIONS STRATEGY FOR THE COMBATANT COMMANDS.**

(a) **REPORT REQUIRED.**—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the munitions strategy for the combatant commands for the six-year period beginning on January 1, 2017.

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

(1) For each year covered by the report, an identification of the munitions requirements of the combatant commands, including—

(A) plans, programming, and budgeting for each type of munition; and

(B) the inventory of each type of munition.

(2) An assessment of any gaps and shortfalls with respect to munitions determined to be essential to the ability of the combatant commands to fulfill mission requirements.

(3) An assessment of how current and planned munitions programs may affect operational concepts and capabilities of the combatant commands.

(4) An identification of limitations in relevant industrial bases and a description of necessary munitions investments.

(5) An assessment of how munitions capability and capacity may be affected by changes consistent with the memorandum of the Secretary of Defense dated June 19, 2008, regarding the policy of the Department of Defense on cluster munitions and unintended harm to civilians.

(6) Any other matters the Secretary determines appropriate.

**SEC. 145. MODIFICATIONS TO REPORTING ON USE OF COMBAT MISSION REQUIREMENTS FUNDS.**

Section 123 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4158; 10 U.S.C. 167 note) is amended—

(1) in the section heading, by striking “**QUARTERLY**” and inserting “**ANNUAL**”;

(2) in the subsection heading of subsection (a), by striking “**QUARTERLY**” and inserting “**ANNUAL**”; and

(3) by striking “quarter” each place it appears and inserting “year”.

**SEC. 146. REPORT ON ALTERNATIVE MANAGEMENT STRUCTURES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.**

(a) **IN GENERAL.**—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on potential alternative management structures for the F-35 joint strike fighter program.

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

(1) An analysis of potential alternative management structures for the F-35 joint strike fighter program, including—

(A) continuation of the joint program office for the program;

(B) the establishment of separate program offices for the program in the Department of the Air Force and the Department of the Navy;

(C) the establishment of separate program offices for each variant of the F-35A, F-35B, and F-35C;

(D) division of responsibilities for the program between a joint program office and the military departments; and

(E) such other alternative management structures as the Secretary determines to be appropriate.

(2) An evaluation of the benefits and drawbacks of each alternative management structure analyzed in the report with respect to—

(A) cost;

(B) alignment of responsibility and accountability; and

(C) the adequacy of representation from military departments and program partners.

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

**SEC. 147. COMPTROLLER GENERAL REVIEW OF F-35 LIGHTNING II AIRCRAFT SUSTAINMENT SUPPORT.**

(a) **REVIEW.**—Not later than September 30, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sustainment support structure for the F-35 Lightning II aircraft program.

(b) **ELEMENTS.**—The review under subsection (a) shall include, with respect to the F-35 Lightning II aircraft program, the following:

(1) The status of the sustainment support strategy for the program, including goals for personnel training, required infrastructure, and fleet readiness.

(2) Approaches, including performance-based logistics, considered in developing the sustainment support strategy for the program.

(3) Other information regarding sustainment and logistics support for the program that the Comptroller General determines to be of critical importance to the long-term viability of the program.

**SEC. 148. BRIEFING ON ACQUISITION STRATEGY FOR GROUND MOBILITY VEHICLE.**

(a) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Secretary of the Army, shall provide a briefing to the congressional defense committees on the acquisition strategy for the Ground Mobility Vehicle for use with the Global Response Force of the 82nd Airborne Division.

(b) **ELEMENTS.**—The briefing under subsection (a) shall include an assessment of the following:

(1) The feasibility of acquiring the Ground Mobility Vehicle—

(A) as a commercially available off-the-shelf item (as such term is defined in section 104 of title 41, United States Code); or

(B) as a modified version of such an item.

(2) Whether acquiring the Ground Mobility Vehicle in a manner described in paragraph (1) would satisfy the requirements of the program and reduce the life-cycle cost of the program.

(3) Whether the acquisition strategy for the Ground Mobility Vehicle meets the focus areas

specified in the most recent version of the Better Buying Power initiative of the Secretary of Defense.

(4) Whether including an active safety system in the Ground Mobility Vehicle, such as the electronic stability control system used on the joint light tactical vehicle, would reduce the risk of vehicle rollover.

**SEC. 149. STUDY AND REPORT ON OPTIMAL MIX OF AIRCRAFT CAPABILITIES FOR THE ARMED FORCES.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study to determine—

(A) an optimal mix of short-range fighter-class strike aircraft and long-range strike aircraft for the use of the Armed Forces during the covered period;

(B) an optimal mix of manned aerial platforms and unmanned aerial platforms for the use of the Armed Forces during such period; and

(C) an optimal mix of other aircraft and capabilities for the use of the Armed Forces during such period, including—

(i) long-range, medium-range, and short-range intelligence, surveillance, reconnaissance, or strike aircraft, or combination of such aircraft;

(ii) aircraft with varying observability characteristics;

(iii) land-based and sea-based aircraft;

(iv) advanced legacy fourth-generation aircraft platforms of proven design;

(v) next generation air superiority capabilities; and

(vi) advanced technology innovations.

(2) CONSIDERATIONS.—In making the determinations under paragraph (1), the Secretary shall consider defense strategy, critical assumptions, priorities, force size, and cost.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 14, 2017, the Secretary shall submit to the appropriate congressional committees a report that includes the following:

(A) The results of the study conducted under subsection (a).

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

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

(D) A plan for fielding complementary aircraft and capabilities identified as an optimal mix in the study under subsection (a).

(E) A plan to meet objectives and fulfill the warfighting capability and capacity requirements of the combatant commands using the aircraft and capabilities described in subsection (a).

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

(3) NONDUPLICATION OF EFFORT.—If any information required under paragraph (1) has been included in another report or notification previously submitted to any of the appropriate congressional committees by law, the Secretary may provide a list of such reports and notifications at the time of submitting the report required under such paragraph instead of including such information in such report.

(4) DEFINITIONS.—In this subsection:

(A) The term “appropriate congressional committees” means the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The term “covered period” means the period beginning on the date of the enactment of this Act and ending on January 1, 2030.

**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. Laboratory quality enhancement program.

Sec. 212. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

Sec. 213. Making permanent authority for defense research and development rapid innovation program.

Sec. 214. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.

Sec. 215. Manufacturing Engineering Education Grant Program.

Sec. 216. Notification requirement for certain rapid prototyping, experimentation, and demonstration activities.

Sec. 217. Increased micro-purchase threshold for research programs and entities.

Sec. 218. Improved biosafety for handling of select agents and toxins.

Sec. 219. Designation of Department of Defense senior official with principal responsibility for directed energy weapons.

Sec. 220. Restructuring of the distributed common ground system of the Army.

Sec. 221. Limitation on availability of funds for the countering weapons of mass destruction system Constellation.

Sec. 222. Limitation on availability of funds for Defense Innovation Unit Experimental.

Sec. 223. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

Sec. 224. Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter.

Subtitle C—Reports and Other Matters

Sec. 231. Strategy for assured access to trusted microelectronics.

Sec. 232. Pilot program on evaluation of commercial information technology.

Sec. 233. Pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.

Sec. 234. Pilot program on modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

Sec. 235. Pilot program on disclosure of certain sensitive information to federally funded research and development centers.

Sec. 236. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

Sec. 237. Independent review of F/A-18 physiological episodes and corrective actions.

Sec. 238. B-21 bomber development program accountability matrices.

Sec. 239. Study on helicopter crash prevention and mitigation technology.

Sec. 240. Strategy for Improving Electronic and Electromagnetic Spectrum Warfare Capabilities.

Sec. 241. Sense of Congress on development and fielding of fifth generation airborne systems.

Subtitle A—Authorization of Appropriations

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

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

Subtitle B—Program Requirements, Restrictions, and Limitations

**SEC. 211. LABORATORY QUALITY ENHANCEMENT PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a program to be known as the “Laboratory Quality Enhancement Program” under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

(1) to review and make recommendations to the Secretary with respect to—

(A) existing policies and practices affecting the science and technology reinvention laboratories to improve the mission effectiveness of such laboratories; and

(B) new initiatives proposed by the science and technology reinvention laboratories;

(2) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and

(3) to conduct assessments or data analysis on such other issues as the Secretary determines to be appropriate.

(b) PANELS.—The panels described in this subsection are:

(1) A panel on personnel, workforce development, and talent management.

(2) A panel on facilities, equipment, and infrastructure.

(3) A panel on research strategy, technology transfer, and industry and university partnerships.

(4) A panel on governance and oversight processes.

(c) COMPOSITION OF PANELS.—(1) Each panel described in paragraphs (1) through (3) of subsection (b) may be composed of subject matter and technical management experts from—

(A) laboratories and research centers of the Army, Navy, and Air Force;

(B) appropriate Defense Agencies;

(C) the Office of the Assistant Secretary of Defense for Research and Engineering; and

(D) such other entities as the Secretary determines to be appropriate.

(2) The panel described in subsection (b)(4) shall be composed of—

(A) the Director of the Army Research Laboratory;

(B) the Director of the Air Force Research Laboratory;

(C) the Director of the Naval Research Laboratory;

(D) the Director of the Engineer Research and Development Center of the Army Corps of Engineers; and

(E) such other members as the Secretary determines to be appropriate.

(d) GOVERNANCE OF PANELS.—(1) The chairperson of each panel shall be selected by its members.

(2) Each panel, in coordination with the Assistant Secretary of Defense for Research and Engineering, shall transmit to the Science and Technology Executive Committee of the Department of Defense such information or findings on topics requiring decision or approval as the panel considers appropriate.

(e) DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.—Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-315), is amended by inserting before the period at the end the following: “through the Assistant Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative

support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals”.

(f) **SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.**—In this section, the term “science and technology reinvention laboratory” means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note), as amended.

**SEC. 212. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.**

(a) **AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.**—Paragraph (1) of subsection (a) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking “not more than three percent” and inserting “not less than two percent and not more than four percent”.

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

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

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

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

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

**SEC. 213. MAKING PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.**

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

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

(2) by striking subsection (f).

**SEC. 214. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**

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

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

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

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

“(d) **COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**—(1) In engaging in research

and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

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

**SEC. 215. MANUFACTURING ENGINEERING EDUCATION GRANT PROGRAM.**

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

**“§2196. Manufacturing engineering education program**

“(a) **ESTABLISHMENT OF MANUFACTURING ENGINEERING EDUCATION PROGRAM.**—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants or other awards to support—

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

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

“(2) Grants and awards under this section may be made to industry, not-for-profit institutions, institutions of higher education, or to consortia of such institutions or industry.

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

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

“(5) The program shall be known as the ‘Manufacturing Engineering Education Program’.

“(b) **GEOGRAPHICAL DISTRIBUTION OF GRANTS AND AWARDS.**—In awarding grants and other awards under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of awards.

“(c) **COVERED PROGRAMS.**—A program of engineering education supported pursuant to this section shall meet the requirements of this section.

“(d) **COMPONENTS OF PROGRAM.**—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education with an emphasis on the following components:

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

“(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, internships, cooperative work-study programs, and interactions with industrial facilities, consortia, or such other activities and organizations in the United States and foreign countries as the Secretary considers appropriate;

“(B) faculty development programs;

“(C) recruitment of educators highly qualified in manufacturing engineering to teach or develop manufacturing engineering courses;

“(D) presentation of seminars, workshops, and training for the development of specific manufacturing engineering skills;

“(E) activities involving interaction between students and industry, including programs for visiting scholars, personnel exchange, or industry executives;

“(F) development of new, or updating and modification of existing, manufacturing curriculum, course offerings, and education programs;

“(G) establishment of programs in manufacturing workforce training;

“(H) establishment of joint manufacturing engineering programs with defense laboratories and depots; and

“(I) expansion of manufacturing training and education programs and outreach for members of the armed forces, dependents and children of such members, veterans, and employees of the Department of Defense.

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

“(3) Faculty and student engagement with industry that is directly related to, and supportive of, the education of students in manufacturing engineering because of—

“(A) the increased understanding of manufacturing engineering challenges and potential solutions; and

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

“(e) **PROPOSALS.**—The Secretary of Defense shall solicit proposals for grants and other awards to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

“(f) **MERIT COMPETITION.**—Applications for awards shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

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

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

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

“(3) Provides for effective engagement with industry or government organizations that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

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

“(5) Is likely to attract superior students and promote careers in manufacturing engineering.

“(6) Proposes to involve fully qualified personnel who are experienced in manufacturing engineering education and technology.

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

“(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

“(9) Trains students in advanced manufacturing and in relevant emerging technologies and production processes.

“(h) **INSTITUTION OF HIGHER EDUCATION DEFINED.**—In this section, the term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).”.

**SEC. 216. NOTIFICATION REQUIREMENT FOR CERTAIN RAPID PROTOTYPING, EXPERIMENTATION, AND DEMONSTRATION ACTIVITIES.**

(a) **NOTICE REQUIRED.**—The Secretary of the Navy shall not initiate a covered activity until a period of 10 business days has elapsed following the date on which the Secretary submits to the congressional defense committees the notice described in subsection (b) with respect to such activity.

(b) **ELEMENTS OF NOTICE.**—The notice described in this subsection is a written notice of

the intention of the Secretary to initiate a covered activity. Each such notice shall include the following:

(1) A description of the activity.  
 (2) Estimated costs and funding sources for the activity, including a description of any cost-sharing or in-kind support arrangements with other participants.

(3) A description of any transition agreement, including the identity of any partner organization that may receive the results of the covered activity under such an agreement.

(4) Identification of major milestones and the anticipated date of completion of the activity.

(c) COVERED ACTIVITY.—In this section, the term “covered activity” means a rapid prototyping, experimentation, or demonstration activity carried out under program element 0603382N.

(d) SUNSET.—The requirements of this section shall terminate five years after the date of the enactment of this Act.

**SEC. 217. INCREASED MICRO-PURCHASE THRESHOLD FOR RESEARCH PROGRAMS AND ENTITIES.**

(a) INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

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

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

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

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

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

(b) INCREASED MICRO-PURCHASE THRESHOLD FOR UNIVERSITIES, INDEPENDENT RESEARCH INSTITUTES, AND NONPROFIT RESEARCH ORGANIZATIONS.—Section 1902 of title 41, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “For purposes” and inserting “(1) Except as provided in section 2338 of title 10 and paragraph (2) of this subsection, for purposes”; and

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

“(2) For purposes of this section, the micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31 by institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or related or affiliated nonprofit entities, or by nonprofit research organizations or independent research institutes is—

“(A) \$10,000; or

“(B) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk assessment, or State law.”; and

(2) in subsections (d) and (e), by striking “not greater than \$3,000” and inserting “with a price not greater than the micro-purchase threshold”.

**SEC. 218. IMPROVED BIOSAFETY FOR HANDLING OF SELECT AGENTS AND TOXINS.**

(a) QUALITY CONTROL AND QUALITY ASSURANCE PROGRAM.—The Secretary of Defense, acting through the executive agent for the biological select agent and toxin biosafety program of the Department of Defense, shall carry out a

program to implement certain quality control and quality assurance measures at each covered facility.

(b) QUALITY CONTROL AND QUALITY ASSURANCE MEASURES.—Subject to subsection (c), the quality control and quality assurance measures implemented at each covered facility under subsection (a) shall include the following:

(1) Designation of an external manager to oversee quality assurance and quality control.

(2) Environmental sampling and inspection.

(3) Production procedures that prohibit operations where live biological select agents and toxins are used in the same laboratory where viability testing is conducted.

(4) Production procedures that prohibit work on multiple organisms or multiple strains of one organism within the same biosafety cabinet.

(5) A video surveillance program that uses video monitoring as a tool to improve laboratory practices in accordance with regulatory requirements.

(6) Formal, recurring data reviews of production in an effort to identify data trends and nonconformance issues before such issues affect end products.

(7) Validated protocols for production processes to ensure that process deviations are adequately vetted prior to implementation.

(8) Maintenance and calibration procedures and schedules for all tools, equipment, and irradiators.

(c) WAIVER.—In carrying out the program under subsection (a), the Secretary may waive any of the quality control and quality assurance measures required under subsection (b) in the interest of national defense.

(d) STUDY AND REPORT REQUIRED.—

(1) STUDY.—The Secretary of Defense shall carry out a study to evaluate—

(A) the feasibility of consolidating covered facilities within a unified command to minimize risk;

(B) opportunities to partner with industry for the production of biological select agents and toxins and related services in lieu of maintaining such capabilities within the Department of the Army; and

(C) whether operations under the biological select agent and toxin production program should be transferred to another government or commercial laboratory that may be better suited to execute production for non-Department of Defense customers.

(2) REPORT.—Not later than February 1, 2017, the Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1).

(e) COMPTROLLER GENERAL REVIEW.—Not later than September 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report that includes the following:

(1) A review of—

(A) the actions taken by the Department of Defense to address the findings and recommendations of the report of the Department of the Army titled “Individual and Institutional Accountability for the Shipment of Viable Bacillus Anthracis from Dugway Proving Grounds”, dated December 15, 2015, including any actions taken to address the culture of complacency in the biological select agent and toxin production program identified in such report; and

(B) the progress of the Secretary in carrying out the program under subsection (a).

(2) An analysis of the study and report under subsection (d).

(f) DEFINITIONS.—In this section:

(1) The term “biological select agent and toxin” means any agent or toxin identified under—

(A) section 331.3 of title 7, Code of Federal Regulations;

(B) section 121.3 or section 121.4 of title 9, Code of Federal Regulations; or

(C) section 73.3 or section 73.4 of title 42, Code of Federal Regulations.

(2) The term “covered facility” means any facility of the Department of Defense that produces biological select agents and toxins.

**SEC. 219. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.**

(a) DESIGNATION OF SENIOR OFFICIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official already serving within the Department of Defense as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department.

(2) DEVELOPMENT OF STRATEGIC PLAN.—

(A) IN GENERAL.—The senior official designated under paragraph (1) shall develop a detailed strategic plan to develop, mature, and transition directed energy technologies to acquisition programs of record.

(B) ROADMAP.—Such strategic plan shall include a strategic roadmap for the development and fielding of directed energy weapons and key enabling capabilities for the Department, identifying and coordinating efforts across military departments to achieve overall joint mission effectiveness.

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

(A) IN GENERAL.—To the degree practicable, the senior official designated under paragraph (1) shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall use the flexibility of the policies of the Department in effect on the day before the date of the enactment of this Act, or any successor policies, to ensure engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

(4) ADVICE FOR EXERCISES AND DEMONSTRATIONS.—The senior official designated under paragraph (1) shall, to the degree practicable, provide technical advice and support to entities in the Department of Defense and the military departments conducting exercises or demonstrations with the purpose of improving the capabilities of or operational viability of technical capabilities supporting directed energy weapons, including supporting military utility assessments of the relevant cost and benefits of directed energy weapon systems.

(5) SUPPORT FOR DEVELOPMENT OF REQUIREMENTS.—The senior official designated under paragraph (1) shall coordinate with the military departments, Defense Agencies, and the Joint Directed Energy Transition Office to define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(6) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the senior official designated under paragraph (1) has access to such information on programs and activities of the military departments and other defense agencies as the Secretary considers appropriate to coordinate departmental directed energy efforts.

(b) JOINT DIRECTED ENERGY TRANSITION OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the “Joint Directed Energy Transition Office” (in this subsection referred to as the “Office”), and shall report to the official designated under subsection (a)(1).

(2) ADDITIONAL FUNCTIONS.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall assist the senior official designated under paragraph (1) of subsection (a) in carrying out paragraphs (2) through (5) of such subsection.

(3) **FUNDING.**—The Secretary may make available such funds to the Office for basic research, applied research, advanced technology development, prototyping, studies and analyses, and organizational support as the Secretary considers appropriate to support the efficient and effective development of directed energy systems and technologies and transition of those systems and technologies into acquisition programs or operational use.

**SEC. 220. RESTRUCTURING OF THE DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.**

(a) **IN GENERAL.**—Not later than April 1, 2017, the Secretary of the Army shall restructure versions of the distributed common ground system of the Army after Increment 1—

(1) by discontinuing development of new software code, excluding the configuration and testing of system interfaces to commercial, open source, and existing Government off the shelf (GOTS) software, of any component of the system for which there is commercial, open source, or Government off the shelf software that is capable of fulfilling at least 80 percent of the system requirements applicable to such component; and

(2) by conducting a review of the acquisition strategy of the program to ensure that procurement of commercial software is the preferred method of meeting program requirements for major system components.

(b) **LIMITATION.**—The Secretary of the Army shall not award any contract for the development of new component software capability for the distributed common ground system of the Army if such a capability is already a commercial item or open source, except for configuration of capabilities that are incidental to and necessary for the proper functioning of the system.

(c) **REPORT REQUIRED.**—

(1) **REQUIREMENT.**—Not later than March 1, 2018, the Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the Director, Operational Test and Evaluation, shall submit to the congressional defense committees a report on the Increment 2 of the distributed common ground system of the Army.

(2) **ELEMENTS OF REPORT.**—The report required by paragraph (1) shall include, at a minimum, the following:

(A) The overall assessment of the system and each individual major component of the system.

(B) The status of alignment with the Intelligence Community Information Technology Enterprise (IC-ITE).

(C) The ease of use of Increment 2 as compared with Increment 1 for operators in deployed environments.

(D) The extent to which a common, synchronized view of all system data is globally available to all system users, at all times.

(E) The level of maturity of the technologies underlying core system components and application programming interfaces.

(F) The extent to which program operators can move data seamlessly between different components of the system.

**SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR THE COUNTERING WEAPONS OF MASS DESTRUCTION SYSTEM CONSTELLATION.**

(a) **LIMITATION.**—Not more than 50 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the countering weapons of mass destruction situational awareness information system commonly known as “Constellation” may be obligated or expended for research, development, or prototyping for such system until the report required by subsection (b)(4) has been delivered to the congressional defense committees.

(b) **INDEPENDENT REVIEW AND ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall provide for an independent review and assessment of the requirements and implementa-

tion for research, development, and prototyping for the Constellation system prior to a Milestone A decision or other operational use.

(2) **ELEMENTS OF INDEPENDENT REVIEW.**—The independent review provided for under paragraph (1) shall include the following:

(A) A review of the major software components of the system and an explanation of the requirements of the Department of Defense with respect to each such component.

(B) A review of the requirements validated in the Information System Initial Capabilities Document (ISICD) and capability gaps identified for duplication and redundancy with other validated information technology requirements and capability gaps.

(C) Identification of elements and applications of the system that cannot be implemented using the existing technical infrastructure and tools of the Department of Defense or the infrastructure and tools in development.

(D) An overview of a security plan to achieve an accredited cross-domain solution system, including security milestones and proposed security architecture to mitigate both insider and outsider threats.

(E) Identification of the planned categories of end-users of the system, linked to organizations, mission requirements, and concept of operations, the expected total number of end-users, and the associated permissions granted to such users.

(3) **ENTITY CONDUCTING INDEPENDENT REVIEW AND ASSESSMENT.**—The Secretary shall ensure that—

(A) the independent review and assessment provided for under paragraph (1) is conducted by a federally funded research and development center selected (or entered into an arrangement with) by the Secretary or such other entity as the Secretary considers appropriate; and

(B) such center or entity provides periodic updates to the congressional defense committees on such independent review and assessment prior to the completion of the independent review and assessment.

(4) **REPORT ON INDEPENDENT REVIEW AND ASSESSMENT.**—The Secretary shall submit to the congressional defense committees a report containing—

(A) the findings of the center or entity selected (or entered into an arrangement with) under paragraph (3)(A) with respect to the independent review and assessment conducted by such center or entity pursuant to such paragraph; and

(B) an assessment of the need to continue Constellation research, development, and prototyping.

**SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE INNOVATION UNIT EXPERIMENTAL.**

(a) **LIMITATION.**—

(1) **OPERATION AND MAINTENANCE.**—Of the funds specified in subsection (c)(1), not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(2) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—Of the funds specified in subsection (c)(2), not more than 25 percent may be obligated or expended until the date on which the Secretary submits to the congressional defense committees the report under subsection (b).

(b) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committees a report on the Defense Innovation Unit Experimental. Such report shall include the following:

(1) The charter and mission statement of the Unit.

(2) A description of—

(A) the management and operations of the Unit, including—

(i) the governance structure of the Unit;

(ii) the process for coordinating and deconflicting the activities of the Unit with similar activities of the Small Business Innovation

Research Program, military departments, Defense Agencies, and other departments and agencies of the Federal Government, including activities carried out by In-Q-Tel, the Defense Advanced Research Projects Agency, and Department of Defense laboratories;

(iii) the direct staffing requirements of the Unit, including a description of the desired skills and expertise of such staff at each location;

(iv) the number of civilian and military personnel provided by the military departments and Defense Agencies to support the Unit; and

(v) any planned expansion to new sites, the metrics used to identify such sites, and an explanation of how such expansion will provide access to innovations of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) that are not otherwise accessible; and

(B) policies and practices that will enable the Unit to best support Department of Defense missions, including—

(i) the metrics used to measure the effectiveness of the Unit;

(ii) how compliance with Department of Defense or Federal Government requirements could affect the ability of nontraditional defense contractors (as such term is defined in section 2302 of title 10, United States Code) to market products and obtain funding;

(iii) how to treat intellectual property that has been developed with little or no government funding;

(iv) detailed justification for the expansion of the mission of the Unit, including authority to use research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies and additional physical locations;

(v) a description of how existing Department of Defense agencies, services, entities, and other elements are authorized to better use streamlined acquisition procedures, research and development agreements, contracts, and merit-based prize competitions to explore emerging technologies, including modification of guidance and procedures to permit effective and streamlined implementation of authorities provided by Congress for rapid execution;

(vi) an account of the successes and failures of contracts already awarded by the unit;

(vii) recommendations on practices, policies, and authorities that will permit increased public-private partnership in financing and funding of research and technology development efforts; and

(viii) a description of technology transition strategies to ensure that research and technology programs funded by the Unit will be effectively and efficiently transitioned into operational use or acquisition programs, including a description of the role of Defense laboratories in such technology transition efforts.

(3) Any other information the Secretary determines to be appropriate.

(c) **FUNDS SPECIFIED.**—The funds specified in this subsection are as follows:

(1) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Defense-wide, for the Defense Innovation Unit Experimental.

(2) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Defense-wide, for the Defense Innovation Unit Experimental.

**SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGETS ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.**

(a) **IN GENERAL.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for

the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

**SEC. 224. ACQUISITION PROGRAM BASELINE AND ANNUAL REPORTS ON FOLLOW-ON MODERNIZATION PROGRAM FOR F-35 JOINT STRIKE FIGHTER.**

(a) LIMITATION.—The Secretary of Defense may not award any follow-on modernization development contracts for the F-35 Joint Strike Fighter until the Secretary has submitted the report required by subsection (b)(1) in accordance with such subsection.

(b) ACQUISITION PROGRAM BASELINE.—

(1) IN GENERAL.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 Modernization.

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

(A) Cost estimates for development, production, and modification.

(B) Projected key schedule dates, including dates for the completion of—

- (i) a capabilities development document;
- (ii) an independent cost estimate;
- (iii) an initial preliminary design review;
- (iv) a development contract award; and
- (v) a critical design review.

(C) Technical performance parameters.

(D) Technology readiness levels.

(E) Annual funding profiles for development and procurement.

(c) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the date on which the report required by subsection (b)(1) is submitted to the congressional defense committees in accordance with such subsection, the Comptroller General of the United States shall—

(1) review such report; and

(2) brief the congressional defense committees on the findings of the Comptroller General with respect to such review.

(d) ANNUAL REPORTS BY SECRETARY OF DEFENSE.—Not later than one year after the date on which the Secretary awards a development contract for follow-on modernization of the F-35 Joint Strike Fighter and not less frequently than once each year thereafter until March 31, 2023, the Secretary shall submit to the congressional defense committees a report on the cost, schedule, and performance progress against the baseline set forth in the report submitted pursuant to subsection (b)(1).

**Subtitle C—Reports and Other Matters**

**SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED MICROELECTRONICS.**

(a) STRATEGY.—The Secretary of Defense shall develop a strategy to ensure that the Department of Defense has assured access to trusted microelectronics by not later than September 30, 2019.

(b) ELEMENTS.—The strategy under subsection (a) shall include the following:

(1) Definitions of the various levels of trust required by classes of Department of Defense systems.

(2) Means of classifying systems of the Department of Defense based on the level of trust such systems are required to maintain with respect to microelectronics.

(3) Means by which trust in microelectronics can be assured.

(4) Means to increase the supplier base for assured microelectronics to ensure multiple supply pathways.

(5) An assessment of the microelectronics needs of the Department of Defense in future

years, including the need for trusted, radiation-hardened microelectronics.

(6) An assessment of the microelectronic needs of the Department of Defense that may not be fulfilled by entities outside the Department of Defense.

(7) The resources required to assure access to trusted microelectronics, including infrastructure, workforce, and investments in science and technology.

(8) A research and development strategy to ensure that the Department of Defense can, to the maximum extent practicable, use state of the art commercial microelectronics capabilities or their equivalent, while satisfying the needs for trust.

(9) Recommendations for changes in authorities, regulations, and practices, including acquisition policies, financial management, public-private partnership policies, or in any other relevant areas, that would support the achievement of the goals of the strategy.

(c) SUBMISSION AND UPDATES.—(1) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the strategy developed under subsection (a). The strategy shall be submitted in unclassified form, but may include a classified annex.

(2) Not later than two years after submitting the strategy under paragraph (1) and not less frequently than once every two years thereafter until September 30, 2024, the Secretary shall update the strategy as the Secretary considers appropriate to support Department of Defense missions.

(d) DIRECTIVE REQUIRED.—Not later than September 30, 2019, the Secretary of Defense shall issue a directive for the Department of Defense describing how Department of Defense entities may access assured and trusted microelectronics supply chains for Department of Defense systems.

(e) REPORT AND CERTIFICATION.—Not later than September 30, 2020, the Secretary of the Defense shall submit to the congressional defense committees—

(1) a report on—

(A) the status of the implementation of the strategy developed under subsection (a);

(B) the actions being taken to achieve full implementation of such strategy, and a timeline for such implementation; and

(C) the status of the implementation of the directive required by subsection (d); and

(2) a certification of whether the Department of Defense has an assured means for accessing a sufficient supply of trusted microelectronics, as required by the strategy developed under subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term “assured” refers, with respect to microelectronics, to the ability of the Department of Defense to guarantee availability of microelectronics parts at the necessary volumes and with the performance characteristics required to meet the needs of the Department of Defense.

(2) The terms “trust” and “trusted” refer, with respect to microelectronics, to the ability of the Department of Defense to have confidence that the microelectronics function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

**SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMERCIAL INFORMATION TECHNOLOGY.**

(a) PILOT PROGRAM.—The Director of the Defense Information Systems Agency may carry out a pilot program to evaluate commercially available information technology tools to better understand the potential impact of such tools on networks and computing environments of the Department of Defense.

(b) ACTIVITIES.—Activities under the pilot program may include the following:

(1) Prototyping, experimentation, operational demonstration, military user assessments, and

other means of obtaining quantitative and qualitative feedback on the commercial information technology products.

(2) Engagement with the commercial information technology industry to—

(A) forecast military requirements and technology needs; and

(B) support the development of market strategies and program requirements before finalizing acquisition decisions and strategies.

(3) Assessment of novel or innovative commercial technology for use by the Department of Defense.

(4) Assessment of novel or innovative contracting mechanisms to speed delivery of capabilities to the Armed Forces.

(5) Solicitation of operational user input to shape future information technology requirements of the Department of Defense.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for research, development, test, and evaluation, Defense-wide, for each of fiscal years 2017 through 2022, not more than \$15,000,000 may be expended on the pilot program in any such fiscal year.

**SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.**

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the secretaries of the military departments shall jointly carry out a pilot program to demonstrate methods for the more effective development of technology and management of functions at eligible centers.

(2) ELIGIBLE CENTERS.—For purposes of the pilot program, the eligible centers are—

(A) the science and technology reinvention laboratories, as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note);

(B) the test and evaluation centers which are activities specified as part of the Major Range and Test Facility Base in Department of Defense Directive 3200.11; and

(C) the Defense Advanced Research Projects Agency.

(b) SELECTION.—

(1) IN GENERAL.—The secretaries described in subsection (a) shall ensure that participation in the pilot program includes—

(A) the Defense Advanced Research Projects Agency; and

(B) in accordance with paragraph (2)—

(i) five additional eligible centers described in subparagraph (A) of subsection (a)(2) from each of the military departments; and

(ii) five additional eligible centers described in subparagraph (B) of such subsection from each of the military departments.

(2) SELECTION PROCEDURES.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) seeking to participate in the pilot program shall submit to the appropriate reviewer an application therefor at such time, in such manner, and containing such information as the appropriate reviewer shall specify.

(B) Not later than 120 days after the date of the enactment of this Act, each appropriate reviewer shall—

(i) evaluate each application received under subparagraph (A); and

(ii) approve or disapprove of the application.

(C) If the head of an eligible center submits an application under subparagraph (A) in accordance with the requirements specified by the appropriate reviewer for purposes of such subparagraph and the appropriate reviewer neither approves nor disapproves such application pursuant to subparagraph (B)(ii) on or before the date that is 120 days after the date of the enactment of this Act, such eligible center shall be considered a participant in the pilot program.

(D) For purposes of this paragraph, the appropriate reviewer is—

(i) in the case of an eligible center described in subparagraph (A) of subsection (a)(2), the Laboratory Quality Enhancement Program; and

(ii) in the case of an eligible center described in subparagraph (B) of such subsection, the Director of the Test Resource Management Center.

(c) PARTICIPATION IN PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the head of each eligible center selected under subsection (b)(1) shall propose and implement alternative and innovative methods of effective management and operations of eligible centers, rapid project delivery, support, experimentation, prototyping, and partnership with universities and private sector entities to—

(A) generate greater value and efficiencies in research and development activities;

(B) enable more efficient and effective operations of supporting activities, such as—

(i) facility management, construction, and repair;

(ii) business operations;

(iii) personnel management policies and practices; and

(iv) intramural and public outreach; and

(C) enable more rapid deployment of warfighter capabilities.

(2) IMPLEMENTATION.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Assistant Secretary concerned within 60 days of receiving a proposal from an eligible center selected under subsection (b)(1) by such Assistant Secretary.

(B) The Director of the Defense Advanced Research Projects Agency shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Chief Management Officer within 60 days of receiving a proposal from the Director.

(C) In this paragraph, the term “Assistant Secretary concerned” means—

(i) the Assistant Secretary of the Air Force for Acquisition, with respect to matters concerning the Air Force;

(ii) the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, with respect to matters concerning the Army; and

(iii) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to matters concerning the Navy.

(d) WAIVER AUTHORITY FOR DEMONSTRATION AND IMPLEMENTATION.—Until the termination of the pilot program under subsection (e), the head of an eligible center selected under subsection (b)(1) may waive any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would affect the implementation of a method proposed under subsection (c)(1), unless such implementation would be prohibited by a provision of a Federal statute or common law.

(e) TERMINATION.—The pilot program shall terminate on September 30, 2022.

(f) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) Identification of the eligible centers participating in the pilot program.

(B) Identification of the eligible centers whose applications to participate in the pilot program were disapproved under subsection (b), including justifications for such disapprovals.

(C) A description of the methods implemented pursuant to subsection (c).

(D) A description of the methods that were proposed pursuant to paragraph (1) of subsection (c) but disapproved under paragraph (2) of such subsection.

(E) An assessment of how methods implemented pursuant to subsection (c) have contrib-

uted to the objectives identified in subparagraphs (A), (B), and (C) of paragraph (1) of such subsection.

**SEC. 234. PILOT PROGRAM ON MODERNIZATION AND FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.**

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program on the modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare systems.

(2) SELECTION.—If the Secretary carries out the pilot program under paragraph (1), the Electronic Warfare Executive Committee shall select from the list described in section 240(b)(4) a total of 10 electromagnetic spectrum warfare systems and electronic warfare systems across at least two military departments for modernization and fielding under the pilot program.

(b) TERMINATION.—The pilot program authorized by subsection (a) shall terminate on September 30, 2023.

(c) FUNDING.—For the purposes of this pilot program, funds authorized to be appropriated for electromagnetic spectrum warfare and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(d) DEFINITIONS.—In this section:

(1) The term “electromagnetic spectrum warfare” means electronic warfare that encompasses military communications and sensing operations that occur in the electromagnetic operational domain.

(2) The term “electronic warfare” means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy.

**SEC. 235. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on—

(1) permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with the parent organizations of such federally funded research and development centers; and

(2) appropriately protecting proprietary information from unauthorized disclosure or use by such centers.

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

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

(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and its parent organization agree to and acknowledge in the parent organization’s contract with the Department of Defense that—

(1) sensitive information furnished to the federally funded research and development center will be accessed and used only for the purposes stated in the contract between the parent organization of the federally funded research and development center and the Department of Defense;

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

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

(4) any personnel of a federally funded research and development center participating in the pilot program may not disclose or use any trade secrets or any nonpublic information accessed under the pilot program, unless specifically authorized by this section.

(e) DURATION.—(1) The pilot program may commence at any time after the review and issuance of policy guidance, updated appropriately, pertaining to the identification, mitigation, and prevention of potentially unfair competitive advantage conferred to federally funded research and development center personnel with access to sensitive information who serve as technical advisors to acquisition programs.

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

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

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

**SEC. 236. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.**

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall carry out a pilot program to enhance interaction between the Defense Advanced Research Projects Agency and the service academies to promote technology transition, education, and training in science, technology, engineering, and mathematics fields that are relevant to the Department of Defense.

(b) AWARDS OF FUNDS.—(1) In carrying out the pilot program, the Secretary, acting through the Director, shall provide funds to contractors and grantees of the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to develop research partnerships with the service academies to support more efficient and effective technology transition of research programs and products.

(2) It shall be the responsibility of the Director to ensure that such funds are used effectively and that sufficient efforts are made to build appropriate partnerships.

(c) SERVICE ACADEMY TECHNOLOGY TRANSITION NETWORKS.—In carrying out the pilot program, the Director shall prioritize the leveraging of—

(1) the technology transition networks that service academies maintain among their academic departments and resident research centers; and

(2) partnerships with Department of Defense laboratories, other Federal degree granting institutions, academia, and industry.

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

(e) **SERVICE ACADEMIES DEFINED.**—In this section, the term “service academies” means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

**SEC. 237. INDEPENDENT REVIEW OF F/A-18 PHYSIOLOGICAL EPISODES AND CORRECTIVE ACTIONS.**

(a) **INDEPENDENT REVIEW REQUIRED.**—The Secretary of the Navy shall conduct an independent review of the plans, programs, and research of the Department of the Navy with respect to—

(1) physiological events affecting aircrew of the F/A-18 Hornet and the F/A-18 Super Hornet aircraft during the covered period; and

(2) the efforts of the Navy and Marine Corps to prevent and mitigate the affects of such physiological events.

(b) **CONDUCT OF REVIEW.**—In conducting the review under subsection (a), the Secretary of the Navy shall—

(1) designate an appropriate senior official in the Office of the Secretary of the Navy to oversee the review; and

(2) consult experts from outside the Department of Defense in appropriate technical and medical fields.

(c) **REVIEW ELEMENTS.**—The review under subsection (a) shall include an evaluation of—

(1) any data of the Department of the Navy relating to the increased frequency of physiological events affecting aircrew of the F/A-18 Hornet and the F/A-18 Super Hornet aircraft during the covered period;

(2) aircraft mishaps potentially related to such physiological events;

(3) the cost and effectiveness of all material, operational, maintenance, and other measures carried out by the Department of the Navy to mitigate such physiological events during the covered period;

(4) material, operational, maintenance, or other measures that may reduce the rate of such physiological events in the future; and

(5) the performance of—

(A) the onboard oxygen generation system in the F/A-18 Super Hornet;

(B) the overall environmental control system in the F/A-18 Hornet and F/A-18 Super Hornet; and

(C) other relevant subsystems of the F/A-18 Hornet and F/A-18 Super Hornet, as determined by the Secretary.

(d) **REPORT REQUIRED.**—Not later than December 1, 2017, the Secretary of Navy shall submit to the congressional defense committees a report that includes the results of the review under subsection (a).

(e) **COVERED PERIOD.**—In this section, the term “covered period” means the period beginning on January 1, 2009, and ending on the date of the submission of the report under subsection (d).

**SEC. 238. B-21 BOMBER DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.**

(a) **SUBMITTAL OF MATRICES.**—Concurrent with the President’s annual budget request submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2018, the Secretary of the Air Forces shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the B-21 bomber aircraft program.

(b) **MATRICES DESCRIBED.**—The matrices described in this subsection are the following:

(1) **EMD GOALS.**—A matrix that identifies, in six month increments, key milestones, development events, and specific performance goals for the EMD phase of the B-21 bomber aircraft program, which shall be subdivided, at a minimum, according to the following:

(A) Technology readiness levels of major components and key demonstration events.

(B) Design maturity.

(C) Software maturity.

(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) Manufacturing operations.

(F) System verification and key flight test events.

(G) Reliability.

(2) **COST.**—A matrix expressing, in six month increments, the total cost for the Air Force service cost position for the EMD phase and low initial rate of production lots of the B-21 bomber aircraft and a matrix expressing the total cost for the prime contractor’s estimate for such EMD phase and production lots, both of which shall be phased over the entire EMD period and subdivided according to the costs of the following:

(A) Air vehicle.

(B) Propulsion.

(C) Mission systems.

(D) Vehicle subsystems.

(E) Air vehicle software.

(F) Systems engineering.

(G) Program management.

(H) System test and evaluation.

(I) Support and training systems.

(J) Contract fee.

(K) Engineering changes.

(L) Direct mission support, including Congressional General Reductions.

(M) Government testing.

(c) **SEMIANNUAL UPDATE OF MATRICES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary of the Air Force submits the matrices required by subsection (a), concurrent with the submittal of each annual budget request to Congress under section 1105 of title 31, United States Code, thereafter, and not later than 180 days after each such submittal, the Secretary of the Air Force shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b).

(2) **ELEMENTS.**—Each update submitted under paragraph (1) shall detail progress made toward the goals identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) **TREATMENT OF INITIAL MATRICES AS BASELINE.**—The matrices submitted pursuant to subsection (a) shall be treated as the baseline for the full EMD phase and low rate initial production of the B-21 bomber aircraft program for purposes of the updates submitted pursuant to paragraph (1) of this subsection.

(d) **ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (d)(1), the Comptroller General shall review the sufficiency of such matrix and submit to the congressional defense committees an assessment of such matrix, including by identifying cost, schedule, or performance trends.

**SEC. 239. STUDY ON HELICOPTER CRASH PREVENTION AND MITIGATION TECHNOLOGY.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) Identification of technologies with the potential—

(A) to prevent helicopter crashes (such as collision avoidance technologies and battle space and terrain situational awareness technologies); and

(B) to improve survivability among individuals involved in such crashes (such as adaptive flight control technologies and improved energy absorbing technologies).

(2) A cost-benefit analysis of each technology identified under paragraph (1) that takes into account the cost of developing and deploying the technology compared to the potential of the technology to prevent casualties or injuries.

(3) A list that ranks the technologies identified under paragraph (1) based on—

(A) the results of the cost-benefit analysis under paragraph (2); and

(B) the readiness level of each technology.

(4) An analysis of helicopter crashes that—

(A) compares the casualty rates of cockpit occupants to the casualty rates of occupants of cargo compartments and troop seats; and

(B) identifies the root causes of the casualties described in subparagraph (A).

(c) **BRIEFING.**—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives (and the other congressional defense committees on request) a briefing that includes—

(1) the results of the study required under subsection (a); and

(2) the list described in subsection (b)(3).

**SEC. 240. STRATEGY FOR IMPROVING ELECTRONIC AND ELECTROMAGNETIC SPECTRUM WARFARE CAPABILITIES.**

(a) **STRATEGY REQUIRED.**—Not later than April 1, 2017, the Under Secretary of Defense for Acquisition, Technology and Logistics, acting through the Electronic Warfare Executive Committee, shall submit to the congressional defense committees a strategy on the electronic and electromagnetic spectrum warfare capabilities of the Department of Defense.

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

(1) A strategy for advancing and accelerating research, development, test, and evaluation, and fielding, of electronic warfare capabilities to meet current and projected requirements, including intra-service ground and air interoperabilities, as well as recommendations for streamlining acquisition processes with respect to such capabilities.

(2) A methodology for synchronizing and overseeing electronic warfare strategies, operational concepts, and programs across the Department of Defense, including electronic warfare programs that support or enable cyber operations.

(3) A description of the training and operational support required for fielding and sustaining current and planned investments in electronic warfare capabilities, including the requirements for conducting large-scale simulated exercises and training in contested electronic warfare environments.

(4) A comprehensive list of investments of the Department of Defense in electronic warfare capabilities, including the capabilities to be developed, procured, or sustained in—

(A) the budget of the President for fiscal year 2018 submitted to Congress under section 1105(a) of title 31, United States Code; and

(B) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year.

(5) A description of the threat environment for electromagnetic spectrum for current and future warfare needs.

(6) An assessment of progress on increasing interoperability between Services and Agencies, as well as increasing application of innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

(7) Specific attributes needed in future electronic and electromagnetic spectrum warfare capabilities, such as networking, adaptability, agility, multifunctionality, and miniaturization, and progress toward incorporating such attributes in new electronic warfare systems.

(8) Capability gaps with respect to asymmetric and near-peer adversaries identified pursuant to a capability gap assessment.

(9) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(10) Any other information the Secretary determines to be appropriate.

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

(d) ELECTRONIC WARFARE EXECUTIVE COMMITTEE DEFINED.—In this section the term “Electronic Warfare Executive Committee” means the committee established on March 17, 2015, and chartered on August 11, 2015, by the Deputy Secretary of Defense to serve as the principal forum within the Department of Defense to inform, coordinate, and evaluate electronic warfare matters to maintain a strong technological advantage in United States capabilities.

**SEC. 241. SENSE OF CONGRESS ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.**

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

(1) The term “fifth generation”, with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by increasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that development and fielding of fifth generation airborne system systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.

(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.

(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

Sec. 301. Authorization of appropriations.

**Subtitle B—Energy and Environment**

Sec. 311. Modified reporting requirement related to installations energy management.

Sec. 312. Waiver authority for alternative fuel procurement requirement.

Sec. 313. Utility data management for military facilities.

Sec. 314. Alternative technologies for munitions disposal.

Sec. 315. Report on efforts to reduce high energy costs at military installations.

Sec. 316. Sense of Congress on funding decisions relating to climate change.

**Subtitle C—Logistics and Sustainment**

Sec. 321. Revision of deployability rating system and planning reform.

Sec. 322. Revision of guidance relating to corrosion control and prevention executives.

Sec. 323. Pilot program for inclusion of certain industrial plants in the Armament Retooling and Manufacturing Support Initiative.

Sec. 324. Repair, recapitalization, and certification of dry docks at naval shipyards.

Sec. 325. Private sector port loading assessment.

Sec. 326. Strategy on revitalizing Army organic industrial base.

**Subtitle D—Reports**

Sec. 331. Modifications to Quarterly Readiness Report to Congress.

Sec. 332. Report on average travel costs of members of the reserve components.

Sec. 333. Report on HH-60G sustainment and Combat Rescue Helicopter program.

**Subtitle E—Other Matters**

Sec. 341. Air navigation matters.

Sec. 342. Contract working dogs.

Sec. 343. Plan, funding documents, and management review relating to explosive ordnance disposal.

Sec. 344. Process for communicating availability of surplus ammunition.

Sec. 345. Mitigation of risks posed by window coverings with accessible cords in certain military housing units.

Sec. 346. Access to military installations by transportation companies.

Sec. 347. Access to wireless high-speed Internet and network connections for certain members of the Armed Forces.

Sec. 348. Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence.

Sec. 349. Limitation on development and fielding of new camouflage and utility uniforms.

Sec. 350. Plan for improved dedicated adversary air training enterprise of the Air Force.

Sec. 351. Independent review and assessment of the Ready Aircrew Program of the Air Force.

Sec. 352. Study on space-available travel system of the Department of Defense.

Sec. 353. Evaluation of motor carrier safety performance and safety technology.

**Subtitle A—Authorization of Appropriations**

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

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

**Subtitle B—Energy and Environment**

**SEC. 311. 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 “, RESILIENCY, AND MISSION ASSURANCE” after “ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT”;

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

(3) by redesignating paragraphs (9) and (11) as paragraphs (3), and (4), respectively; and

(4) by inserting after paragraph (1), the following:

“(2) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).”

**SEC. 312. WAIVER AUTHORITY FOR ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

(a) IN GENERAL.—The Secretary of Defense may waive the requirement under section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) if the Secretary determines it is in the national security interest of the United States.

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 15 days after exercising the waiver authority under subsection (a).

**SEC. 313. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.**

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

(b) USE OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, for enterprise information, not more than \$250,000 may be obligated or expended to carry out the pilot program under subsection (a).

**SEC. 314. ALTERNATIVE TECHNOLOGIES FOR MUNITIONS DISPOSAL.**

In carrying out the disposal of munitions in the stockpile of conventional munitions awaiting demilitarization and disposal, the Secretary of the Army may use cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal by open burning, open detonation, direct contact combustion, and incineration.

**SEC. 315. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.**

(a) REPORT.—

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

detailing the efforts to achieve cost savings at military installations with high levels of energy intensity.

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

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

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

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

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

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

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

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

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

**SEC. 316. SENSE OF CONGRESS ON FUNDING DECISIONS RELATING TO CLIMATE CHANGE.**

It is the sense of Congress that—

(1) decisions relating to the funding of the Department of Defense for fiscal year 2017 should prioritize the support and enhancement of the combat capabilities of the Department, in addition to seeking efficiency and efficacy;

(2) funds should be allocated among the programs of the Department in the manner that best serves the national security interests of the United States; and

(3) decisions relating to energy efficiency, energy use, and climate change should adhere to the principles described in paragraphs (1) and (2).

**Subtitle C—Logistics and Sustainment**

**SEC. 321. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING REFORM.**

(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 components**

“(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 of the Army 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—

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

“(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

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

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

“(A) documents all equipment required for deployment;

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

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

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

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

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

(b) **REPEAL OF SUPERSEDED PROVISIONS OF LAW.**—Sections 1121 and 1135 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102-484; 10 U.S.C. 10105 note) are repealed.

**SEC. 322. REVISION OF GUIDANCE RELATING TO CORROSION CONTROL AND PREVENTION EXECUTIVES.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight for the Department of Defense, shall revise guidance relating to corrosion control and prevention executives to—

(1) clarify the role of each such executive with respect to assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the annual report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2228 note); and

(2) ensure that corrosion control and prevention executives emphasize the reduction of corrosion and the effects of corrosion on the military equipment and infrastructure of the Department of Defense, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

(b) **CORROSION CONTROL AND PREVENTION EXECUTIVE DEFINED.**—In this section, the term “corrosion control and prevention executive” means the employee of a military department designated as the corrosion control and prevention executive of the department under section 903(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2228 note).

**SEC. 323. PILOT PROGRAM FOR INCLUSION OF CERTAIN INDUSTRIAL PLANTS IN THE ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.**

During the five-year period beginning on the date of the enactment of this Act, the Secretary of Defense may treat a Government-owned, contractor-operated industrial plant of the Department of Defense as an eligible facility under section 4551(2) of title 10, United States Code.

**SEC. 324. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.**

(a) **SPECIAL AUTHORITY TO TRANSFER AUTHORIZATIONS.**—In addition to the authority to transfer funds provided under section 1001, the Secretary of Defense may transfer not more

than \$250,000,000 of authorizations made available to the Department of Defense in this Act for fiscal year 2017 to the Department of the Navy for the repair, recapitalization, and certification of dry docks at Government-owned, Government-operated shipyards of the Navy.

(b) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(2) **EFFECT ON DOLLAR LIMIT.**—A transfer of funds under this section shall not be counted toward the dollar limitation described in section 1001(a)(2).

**SEC. 325. PRIVATE SECTOR PORT LOADING ASSESSMENT.**

(a) **ASSESSMENTS REQUIRED.**—During the period beginning on the date of the enactment of this Act and ending on the date of the final briefing under subsection (c), the Secretary of the Navy shall conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

(b) **ELEMENTS OF ASSESSMENTS.**—Each assessment under subsection (a) shall include, with respect to each covered port, the following:

(1) Resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, for the fiscal year preceding the quarter covered by the assessment through the end of such quarter.

(2) Projected resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, through the end of the second fiscal year beginning after the quarter covered by the assessment.

(3) A description of the methods by which the Secretary communicates projected workloads to private sector entities engaged in ship maintenance activities and ship loading activities.

(4) A description of any processes that have been implemented to allow for timely feedback from private sector entities engaged in ship maintenance activities and ship loading activities.

(c) **BRIEFINGS REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, and on a quarterly basis thereafter until September 30, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request)—

(1) a briefing on the results of the assessments conducted under subsection (a); and

(2) a chart depicting the information described in paragraphs (1) and (2) of subsection (b) with respect to each covered port.

(d) **COVERED PORTS.**—In this section, the term “covered ports” means port facilities used by the Department of Defense in each of the following locations:

- (1) Mayport, Florida.
- (2) Norfolk, Virginia.
- (3) Pearl Harbor, Hawaii.
- (4) Puget Sound, Washington.
- (5) San Diego, California.

**SEC. 326. STRATEGY ON REVITALIZING ARMY ORGANIC INDUSTRIAL BASE.**

(a) **STRATEGY.**—Not later than October 1, 2017, the Secretary of Army shall submit to the congressional defense committees a strategy to revitalize the organic industrial base of the Army.

(b) **ELEMENTS.**—The strategy under subsection (a) shall include, with respect to the organic industrial base of the Army, the following:

(1) A plan to ensure the long-term viability of the organic industrial base.

(2) An assessment of legacy items of the Army that are sustained by the Defense Logistics Agency.

(3) A description of how the organic industrial base may be used to address diminishing manufacturing sources and material shortages.

(4) A description of critical capabilities that are required across the organic industrial base.

(5) An assessment of infrastructure across the organic industrial base.

(6) An assessment of manufacturing sources in the organic industrial base and the private sector.

(7) An explanation of how contracting may be used to meet organic industrial base requirements.

(8) An assessment of current and future workloads across the organic industrial base.

(9) An assessment of the processes used to identify critical capabilities for the organic industrial base and the methods used to determine workloads.

(10) An assessment of existing labor rates.

(11) A description of manufacturing skills that are needed to sustain readiness.

(12) A description of how public-private partnerships may be used to improve the organic industrial base.

(13) A description of how working capital funds may be used to improve the organic industrial base.

(14) An assessment of operating expenses and the potential for reducing or recovering such expenses.

(15) Identification of the tooling, equipment, and facilities upgrades necessary for a facility in the organic industrial base to manufacture the legacy items of the Defense Logistics Agency, including items described in section 333(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 792).

(16) An assessment of the suitability of manufacturing the legacy items of the Defense Logistics Agency in a facility in the organic industrial base.

(c) DEFINITIONS.—In this section:

(1) LEGACY ITEMS.—The term “legacy items” means manufactured items that are no longer produced by the private sector but continue to be used for weapons systems of the Department of Defense, but does not include information systems and information technology (as those terms are defined in section 11101 of title 40, United States Code).

(2) ORGANIC INDUSTRIAL BASE.—The term “organic industrial base” means United States military facilities, including arsenals, depots, munition plants and centers, and storage sites, that advance a vital national security interest by producing, maintaining, repairing, and storing materiel, munitions, and hardware.

#### Subtitle D—Reports

### SEC. 331. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

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

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

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

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

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

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

“(h) CANNIBALIZATION RATES.—Each report under this section shall include a separate unclassified report containing the information col-

lected pursuant to section 117(c)(7) of this title.”.

### SEC. 332. REPORT ON AVERAGE TRAVEL COSTS OF MEMBERS OF THE RESERVE COMPONENTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the travel expenses of members of reserve components associated with performing active duty service, active service, full-time National Guard duty, active Guard and Reserve duty, and inactive-duty training, as such terms are defined in section 101(d) of title 10, United States Code. Such report shall include the average annual cost for all travel expenses for a member of a reserve component.

### SEC. 333. REPORT ON HH-60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER PROGRAM.

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

(b) ELEMENTS.—The report required by subsection (a) shall include a description of the plans of the Air Force—

(1) to modernize legacy HH-60G combat rescue helicopters;

(2) to maintain the training pipeline for the HH-60G aircrew and the maintenance force required to maintain full readiness through the end of fiscal year 2029; and

(3) to carry out depot-level maintenance and repair (as that term is defined in section 2460 of title 10, United States Code) to ensure the legacy HH-60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

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

#### Subtitle E—Other Matters

### SEC. 341. AIR NAVIGATION MATTERS.

(a) EXPANSION OF DEFINITION OF STRUCTURES INTERFERING WITH AIR COMMERCE AND NATIONAL DEFENSE.—

(1) NOTICE.—Section 44718(a) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(3) the interests of national security, as determined by the Secretary of Defense.”.

(2) STUDIES.—Section 44718(b) of title 49, United States Code, is amended to read as follows:

“(b) STUDIES.—

“(1) IN GENERAL.—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

“(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

“(i) the impact on arrival, departure, and en route procedures for aircraft operating under

“(ii) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

“(iii) the impact on existing public-use airports and aeronautical facilities;

“(iv) the impact on planned public-use airports and aeronautical facilities;

“(v) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures; and

“(vi) other factors relevant to the efficient and effective use of navigable airspace; and

“(B) include the finding made by the Secretary of Defense under subsection (f).

“(2) REPORT.—On completing the study, the Secretary of Transportation shall issue a report disclosing the extent of the—

“(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

“(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).

“(3) SEVERABILITY.—A determination by the Secretary of Transportation on hazard to air navigation under this section shall remain independent of a determination of unacceptable risk to the national security of the United States by the Secretary of Defense under subsection (f).”.

(3) NATIONAL SECURITY FINDING; DEFINITIONS.—Section 44718 of title 49, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b), the Secretary of Defense shall—

“(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study would result in an unacceptable risk to the national security of the United States; and

“(2) transmit the finding to the Secretary of Transportation for inclusion in the report required under subsection (b)(2).

“(g) DEFINITIONS.—In this section, the following definitions apply:

(1) ADVERSE IMPACT ON MILITARY OPERATIONS AND READINESS.—The term “adverse impact on military operations and readiness” has the meaning given the term in section 211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014.

(2) UNACCEPTABLE RISK TO THE NATIONAL SECURITY OF THE UNITED STATES.—The term “unacceptable risk to the national security of the United States” has the meaning given the term in section 211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014.”.

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 44718 of title 49, United States Code, is amended in the section heading by inserting “or national security” after “air commerce”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44718 and inserting the following:

“44718. Structures interfering with air commerce or national security.”.

(b) PERFORMANCE-BASED NAVIGATION.—Section 213(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C. 40101 note) is amended by adding at the end the following:

“(3) NOTIFICATIONS AND CONSULTATIONS.—Not later than 90 days before applying a categorical exclusion under this subsection to a new procedure at an OEP airport, the Administrator shall—

“(A) notify and consult with the operator of the airport at which the procedure would be implemented; and

“(B) consider consultations or other engagement with the community in the which the airport is located to inform the public of the procedure.”.

“(4) REVIEW OF CERTAIN CATEGORICAL EXCLUSIONS.—

“(A) IN GENERAL.—The Administrator shall review any decision of the Administrator made on or after February 14, 2012, and before the date of the enactment of this paragraph to grant a categorical exclusion under this subsection with respect to a procedure to be implemented at an OEP airport that was a material change from procedures previously in effect at the airport to determine if the implementation of the procedure had a significant effect on the human environment in the community in which the airport is located.

“(B) CONTENT OF REVIEW.—If, in conducting a review under subparagraph (A) with respect to a procedure implemented at an OEP airport, the Administrator, in consultation with the operator of the airport, determines that implementing the procedure had a significant effect on the human environment in the community in which the airport is located, the Administrator shall—

“(i) consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment; and

“(ii) in conducting such consultations, consider the use of alternative flight paths that do not substantially degrade the efficiencies achieved by the implementation of the procedure being reviewed.

“(C) HUMAN ENVIRONMENT DEFINED.—In this paragraph, the term ‘human environment’ has the meaning given such term in section 1508.14 of title 40, Code of Federal Regulations (as in effect on the day before the date of the enactment of this paragraph).”.

#### SEC. 342. CONTRACT WORKING DOGS.

(a) REQUIRED CONTRACT CLAUSE.—

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

“§2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life

“(a) IN GENERAL.—Each contract entered into by the Secretary of Defense for the provision of a contract working dog shall require that the dog be transferred to the 341st Training Squadron after the service life of the dog has terminated as described in subsection (b) for reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.

“(b) SERVICE LIFE.—The service life of a contract working dog has terminated and the dog is available for transfer to the 341st Training Squadron pursuant to a contract under subsection (a) only if the contracting officer concerned has determined that—

“(1) the final contractual obligation of the dog preceding such transfer is with the Department of Defense; and

“(2) the dog cannot be used by another department or agency of the Federal Government due to age, injury, or performance.

“(c) CONTRACT WORKING DOG.—In this section, the term ‘contract working dog’ means a dog—

“(1) that performs a service for the Department of Defense pursuant to a contract; and

“(2) that is trained and kenneled by an entity that provides such a dog pursuant to such a contract.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.”.

(b) INCLUSION IN DEFINITION OF MILITARY ANIMAL.—Paragraph (1) of section 2583(h) of title 10, United States Code, is amended to read as follows:

“(1) A military working dog, which may include a contract working dog (as such term is defined in section 2410r) that has been transferred to the 341st Training Squadron.”.

#### SEC. 343. PLAN, FUNDING DOCUMENTS, AND MANAGEMENT REVIEW RELATING TO EXPLOSIVE ORDNANCE DISPOSAL.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to establish an explosive ordnance disposal program in the Department of Defense to ensure close and continuous coordination among the military departments on matters relating to explosive ordnance disposal.

(2) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The plan under paragraph (1) shall include provisions under which—

(A) the Secretary of Defense shall—

(i) assign responsibility for the coordination and integration of explosive ordnance disposal to a joint office or entity in the Office of the Secretary of Defense; and

(ii) designate the Secretary of the Navy (or a designee of the Secretary of the Navy) as the executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation activities and procurement activities of the military departments relating to explosive ordnance disposal; and

(B) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities and procurement activities to address such needs.

(b) ANNUAL EXPLOSIVE ORDNANCE DISPOSAL FUNDING DOCUMENTS.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2017, a consolidated funding display, in classified and unclassified form, that identifies the funding source for all explosive ordnance disposal activities within the Department of Defense.

(2) ELEMENTS.—The funding display under paragraph (1) for a fiscal year shall include a single program element from each military department for each of the following:

(A) Research, development, test, and evaluation.

(B) Procurement.

(C) Operation and maintenance.

(D) Any other program element used to fund explosive ordnance disposal activities (but not including any program element relating to military construction).

(c) MANAGEMENT REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall review and assess the effectiveness of current management structures in supporting the explosive ordnance disposal needs of the combatant commands and the military departments.

(2) ELEMENTS.—The review and assessment under paragraph (1) shall include the following:

(A) A review of the organizational structures and responsibilities within the Office of the Secretary of Defense that provide policy and oversight of the policies, programs, acquisition activities, and personnel of the military departments relating to explosive ordnance disposal.

(B) A review of the organizational structures and responsibilities within the military departments that—

(i) man, equip, and train explosive ordnance disposal forces; and

(ii) support such forces with manpower, technology, equipment, and readiness.

(C) A review of the organizational structures and responsibilities of the Secretary of the Navy as the executive agent for explosive ordnance disposal technology and training.

(D) Budget displays for each military department that support research, development, test, and evaluation; procurement; and operation and maintenance, relating to explosive ordnance disposal.

(E) An assessment of the adequacy of the organizational structures and responsibilities and the alignment of funding within the military departments in supporting the needs of the combatant commands and the military departments with respect to explosive ordnance disposal.

(d) BRIEFING.—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) details of the plan required under subsection (a);

(2) the results of the review and assessment under subsection (c);

(3) a description of any measures undertaken to improve joint coordination, oversight, and management of programs relating to explosive ordnance disposal;

(4) recommendations to the Secretary to improve the capabilities and readiness of explosive ordnance disposal forces; and

(5) an explanation of the advantages and disadvantages of assigning responsibility for the coordination and integration of explosive ordnance disposal to a single joint office or entity in the Office of the Secretary of Defense.

(e) DEFINITIONS.—In this section:

(1) EXPLOSIVE ORDNANCE.—The term “explosive ordnance” means any munition containing explosives, nuclear fission or fusion materials, or biological or chemical agents, including—

(A) bombs and warheads;

(B) guided and ballistic missiles;

(C) artillery, mortar, rocket, and small arms munitions;

(D) mines, torpedoes, and depth charges;

(E) demolition charges;

(F) pyrotechnics;

(G) clusters and dispensers;

(H) cartridge and propellant actuated devices;

(I) electro-explosive devices; and

(J) clandestine and improvised explosive devices.

(2) DISPOSAL.—The term “disposal” means, with respect to explosive ordnance, the detection, identification, field evaluation, defeat, disablement, or rendering safe, recovery and exploitation, and final disposition of the ordnance.

#### SEC. 344. PROCESS FOR COMMUNICATING AVAILABILITY OF SURPLUS AMMUNITION.

(a) IN GENERAL.—The Secretary of Defense shall implement a formal process to provide Federal Government agencies outside the Department of Defense with information on the availability of surplus, serviceable ammunition from the Department of Defense for the purpose of reducing costs relating to the storage and disposal of such ammunition.

(b) IMPLEMENTATION DEADLINE.—The Secretary shall implement the process described in subsection (a) beginning not later than 180 days after the date of the enactment of this Act.

#### SEC. 345. MITIGATION OF RISKS POSED BY WINDOW COVERINGS WITH ACCESSIBLE CORDS IN CERTAIN MILITARY HOUSING UNITS.

(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—Not later than three years after the date of enactment of this Act, the Secretary of Defense shall remove and replace disqualified window coverings from—

(1) military housing units owned by the Department of Defense in which children under the age of 9 may reside; and

(2) military housing units leased by the Department of Defense in which children under the age of 9 may reside if the lease for such units requires the Department to provide window coverings.

(b) PROHIBITION ON DISQUALIFIED WINDOW COVERINGS IN MILITARY HOUSING UNITS ACQUIRED OR CONSTRUCTED BY CONTRACT.—All contracts entered into by the Secretary of Defense after September 30, 2017, for the acquisition or construction of military family housing, including military family housing acquired or constructed pursuant to subchapter IV of chapter 169 of title 10, United States Code, shall prohibit the use of disqualified window coverings in such housing.

(c) DISQUALIFIED WINDOW COVERING DEFINED.—In this section, the term “disqualified window covering” means—

(1) a window covering with an accessible cord that exceeds 8 inches in length; or

(2) a window covering with an accessible continuous loop cord that does not have a cord tension device that prevents operation when the cord is not anchored to the wall.

**SEC. 346. ACCESS TO MILITARY INSTALLATIONS BY TRANSPORTATION COMPANIES.**

(a) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies under which covered drivers may be authorized to access military installations.

(b) *ELEMENTS.*—The policies established under subsection (a)—

(1) shall include the terms and conditions under which a covered driver may be authorized to access a military installation;

(2) may require a transportation company and a covered driver to enter into a written agreement with the Department of Defense as a precondition for obtaining authorization to access a military installation;

(3) shall be consistent across military installations, to the extent practicable;

(4) shall be designed to promote the expeditious entry of covered drivers onto military installations for purposes of providing commercial transportation services;

(5) shall place appropriate restrictions on entry into sensitive areas of military installations;

(6) shall be designed, to the extent practicable, to give covered drivers access to barracks areas, housing areas, temporary lodging facilities, hospitals, and community support facilities;

(7) shall require transportation companies—  
(A) to track, in real-time, the location of the entry and exit of covered drivers onto and off of military installations; and

(B) to provide, on demand, the information described in subparagraph (A) to appropriate personnel and agencies of the Department; and

(8) shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department of Defense, and the families of such members and employees.

(c) *CONFIDENTIALITY OF INFORMATION.*—The Secretary shall ensure that any information provided to the Department by a transportation company under subsection (b)(7)—

(1) is treated as confidential and proprietary information of the company that is exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); and

(2) except as provided in subsection (b)(7), is not disclosed to any person or entity without the express written consent of the company unless disclosure of such information is required by a court order.

(d) *DEFINITIONS.*—In this section:

(1) *TRANSPORTATION COMPANY.*—The term “transportation company” means a corporation, partnership, sole proprietorship, or other entity outside of the Department of Defense that provides a commercial transportation service to a rider, including a company that uses a digital network to connect riders to covered drivers for the purpose of providing such transportation service.

(2) *COVERED DRIVER.*—The term “covered driver”—

(A) means an individual—

(i) who is an employee of a transportation company or who is affiliated with a transportation company; and

(ii) who provides a commercial transportation service to a rider; and

(B) includes a vehicle operated by such individual for the purpose of providing such service.

**SEC. 347. ACCESS TO WIRELESS HIGH-SPEED INTERNET AND NETWORK CONNECTIONS FOR CERTAIN MEMBERS OF THE ARMED FORCES.**

(a) *IN GENERAL.*—In providing members of the Armed Forces with access to high-speed wireless

Internet and network connections at military installations outside the United States, the Secretary of Defense may provide such access without charge to the members and their dependents.

(b) *CONTRACT AUTHORITY.*—The Secretary may enter into contracts for the purpose of carrying out subsection (a).

**SEC. 348. LIMITATION ON AVAILABILITY OF FUNDS FOR OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for Operation and Maintenance, Defense-wide, for the Office of the Under Secretary of Defense for Intelligence, not more than 90 percent may be obligated or expended until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672 note).

**SEC. 349. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.**

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to develop or field new camouflage uniforms, new utility uniforms, or new families of uniforms until the date that is one year after the date on which the Secretary of Defense submits to the congressional defense committees notice of the intent of the Secretary to develop or field such uniforms.

**SEC. 350. PLAN FOR IMPROVED DEDICATED ADVERSARY AIR TRAINING ENTERPRISE OF THE AIR FORCE.**

(a) *IN GENERAL.*—The Chief of Staff of the Air Force shall develop a plan for an improved dedicated adversary air training enterprise for the Air Force—

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

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

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

(4) to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, allies, and friends, and employing the use of industry contracted services.

(b) *ELEMENTS.*—The plan under subsection (a) shall include, with respect to an improved dedicated adversary air training enterprise, the following:

(1) Goals and objectives.

(2) Concepts of operations.

(3) Timelines for the phased implementation of the enterprise.

(4) Analysis of readiness improvements that may result from the enterprise.

(5) Prioritized resource requirements.

(6) Such other matters as the Chief of Staff considers appropriate.

(c) *WRITTEN PLAN AND BRIEFING.*—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a written version of the plan developed under subsection (a); and

(2) a briefing on such plan.

**SEC. 351. INDEPENDENT REVIEW AND ASSESSMENT OF THE READY AIRCREW PROGRAM OF THE AIR FORCE.**

(a) *INDEPENDENT REVIEW AND ASSESSMENT.*—The Secretary of the Air Force shall enter into a contract with an independent entity with appropriate expertise—

(1) to conduct a review and assessment of—

(A) the assumptions underlying the annual continuation training requirements of the Air Force; and

(B) the overall effectiveness of the Ready Aircrew Program of the Air Force in managing aircrew training requirements; and

(2) to make recommendations for the improved management of such training requirements.

(b) *REPORT.*—

(1) *IN GENERAL.*—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the review and assessment conducted under subsection (a).

(2) *ELEMENTS.*—The report under paragraph (1) shall include an examination of the following:

(A) For the aircrews of each type of combat aircraft and by mission type—

(i) the number of sorties required to reach minimum and optimal levels of proficiency, respectively;

(ii) the optimal mix of live and virtual training sorties; and

(iii) the optimal mix of experienced aircrews versus inexperienced aircrews.

(B) The availability of assets and infrastructure to support the achievement of aircrew proficiency levels and an explanation of any requirements relating to such assets and infrastructure.

(C) The accumulated flying hours or other measurements used to determine if an aircrew qualifies for designation as an experienced aircrew, and whether different measurements should be used.

(D) Any actions taken or planned to be taken to implement recommendations resulting from the independent review and assessment under subsection (a), including an estimate of the resources required to implement such recommendations.

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

(c) *COMPTROLLER GENERAL REVIEW.*—

(1) *IN GENERAL.*—The Comptroller General of the United States shall submit to the congressional defense committees a review of the report described in subsection (b). Such review shall include an assessment of—

(A) the extent to which the report addressed the elements described in paragraph (2) of such subsection;

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

(C) any actions the Air Force plans to carry out to incorporate the results of the report into annual training documents; and

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

(2) *BRIEFING.*—Not later than 60 days after the date on which the Secretary of the Air Force submits the report under subsection (b) and prior to submitting the review required under paragraph (1), the Comptroller General shall provide a briefing to the congressional defense committees on the preliminary results of the review conducted under such paragraph.

**SEC. 352. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF THE DEPARTMENT OF DEFENSE.**

(a) *STUDY REQUIRED.*—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of the Department of Defense.

(b) **REPORT REQUIRED.**—Not later than 180 days after entering into a contract with a federally funded research and development center under subsection (a), the Secretary shall submit to the congressional defense committees a report summarizing the results of the study conducted under such subsection.

(c) **ELEMENTS.**—The report under subsection (b) shall include, with respect to the space-available travel system, the following:

(1) A determination of—  
(A) the capacity of the system as of the date of the enactment of this Act;  
(B) the projected capacity of the system for the 10-year period following such date of enactment; and

(C) the projected number of reserve retirees, active duty retirees, and dependents of such retirees that will exist by the end of such 10-year period.

(2) Estimates of system capacity based the projections described in paragraph (1).

(3) A discussion of the efficiency of the system and data regarding the use of available space with respect to each category of passengers eligible for space-available travel under existing regulations.

(4) A description of the effect on system capacity if eligibility for space-available travel is extended to—

(A) drilling reserve component personnel and dependents of such personnel on international flights;

(B) dependents of reserve component retirees who are less than 60 years of age;

(C) retirees who are less than 60 years of age on international flights;

(D) drilling reserve component personnel traveling to drilling locations; and

(E) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(5) A discussion of logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships experienced by travelers.

(6) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(7) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title;

(B) unmarried widows and widowers of active or reserve component members of the Armed Forces; and

(C) members or former members of the Armed Forces who have a disability rated as total, if space-available travel is provided to such members on the same basis as such travel is provided to members of the Armed Forces entitled to retired or retainer pay.

(8) Such other factors relating to the efficiency and cost of the system as the Secretary determines to be appropriate.

(d) **ADDITIONAL RESPONSIBILITIES.**—In addition to carrying out subsections (a) through (c), the Secretary of Defense shall—

(1) analyze the methods used to prioritize among the categories of individuals eligible for space-available travel and make recommendations for—

(A) re-ordering the priority of such categories; and

(B) adding additional categories of eligible individuals; and

(2) collect data on travelers who request but do not obtain available travel spaces under the space-available travel system.

(e) **DISABILITY RATED AS TOTAL DEFINED.**—In this section, the term “disability rated as total” has the meaning given the term in section 1414(e)(3) of title 10, United States Code.

**SEC. 353. EVALUATION OF MOTOR CARRIER SAFETY PERFORMANCE AND SAFETY TECHNOLOGY.**

(a) **IN GENERAL.**—The Secretary of Defense shall evaluate the need for proven safety technology in vehicles transporting shipments under the Transportation Protective Services program of the United States Transportation Command, including—

- (1) electronic logging devices;
- (2) roll stability control;
- (3) forward collision avoidance systems;
- (4) lane departure warning systems; and
- (5) speed limiters.

(b) **CONSIDERATIONS.**—In carrying out subsection (a), the Secretary shall—

(1) consider the need to avoid catastrophic accidents and exposure of security-sensitive materials; and

(2) take into the account the findings of the Government Accountability Office report numbered GAO-16-82 and titled “Defense Transportation; DoD Needs to Improve the Evaluation of Safety and Performance Information for Carriers Transporting Security-Sensitive Materials”.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

Sec. 401. End strengths for active forces.

Sec. 402. Revisions in permanent active duty end strength minimum levels.

**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.

**Subtitle A—Active Forces**

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

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

- (1) The Army, 476,000.
- (2) The Navy, 323,900.
- (3) The Marine Corps, 185,000.
- (4) The Air Force, 321,000.

**SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- “(1) For the Army, 476,000.
- “(2) For the Navy, 323,900.
- “(3) For the Marine Corps, 185,000.
- “(4) For the Air Force, 321,000.”.

**Subtitle B—Reserve Forces**

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

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

- (1) The Army National Guard of the United States, 343,000.
- (2) The Army Reserve, 199,000.
- (3) The Navy Reserve, 58,000.
- (4) The Marine Corps Reserve, 38,500.
- (5) The Air National Guard of the United States, 105,700.

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

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

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

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

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

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

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

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

- (1) The Army National Guard of the United States, 30,155.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 9,955.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,764.
- (6) The Air Force Reserve, 2,955.

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

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

- (1) For the Army National Guard of the United States, 25,507.
- (2) For the Army Reserve, 7,570.
- (3) For the Air National Guard of the United States, 22,103.
- (4) For the Air Force Reserve, 10,061.

(b) **VARIANCE.**—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased—

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

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

(a) **LIMITATIONS.**—

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

- (A) For the Army National Guard of the United States, 1,600.
- (B) For the Air National Guard of the United States, 350.

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

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

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

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

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

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

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

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

(1) in subsection (b)(1)—

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

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

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

**Subtitle C—Authorization of Appropriations**

**SEC. 421. MILITARY PERSONNEL.**

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

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**

Sec. 501. Reduction in number of general and flag officers on active duty and authorized strength after December 31, 2022, of such general and flag officers.

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

Sec. 503. Number of Marine Corps general officers.

Sec. 504. 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. 505. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.

Sec. 506. Equal consideration of officers for early retirement or discharge.

Sec. 507. Modification of authority to drop from rolls a commissioned officer.

Sec. 508. Extension of force management authorities allowing enhanced flexibility for officer personnel management.

Sec. 509. Pilot programs on direct commissions to cyber positions.

Sec. 510. Length of joint duty assignments.

Sec. 510A. Revision of definitions used for joint officer management.

**Subtitle B—Reserve Component Management**

Sec. 511. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.

Sec. 512. Rights and protections available to military technicians.

Sec. 513. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.

Sec. 514. Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard.

Sec. 515. Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training.

Sec. 516. 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—General Service Authorities**

Sec. 521. Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law.

Sec. 522. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.

Sec. 523. Expansion of authority to execute certain military instruments.

Sec. 524. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.

Sec. 525. Reduction of tenure on the temporary disability retired list.

Sec. 526. Technical correction to voluntary separation pay and benefits.

Sec. 527. Consolidation of Army marketing and pilot program on consolidated Army recruiting.

**Subtitle D—Member Whistleblower Protections and Correction of Military Records**

Sec. 531. Improvements to whistleblower protection procedures.

Sec. 532. Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned.

Sec. 533. Availability of certain Correction of Military Records and Discharge Review Board information through the Internet.

Sec. 534. Improvements to authorities and procedures for the correction of military records.

Sec. 535. Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge.

Sec. 536. Comptroller General of the United States review of integrity of Department of Defense whistleblower program.

**Subtitle E—Military Justice and Legal Assistance Matters**

Sec. 541. United States Court of Appeals for the Armed Forces.

Sec. 542. Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates.

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. Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report.

Sec. 545. 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.

Sec. 546. Training for Department of Defense personnel who investigate claims of retaliation.

Sec. 547. Notification to complainants of resolution of investigations into retaliation.

Sec. 548. Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment.

Sec. 549. Improved Department of Defense prevention of and response to hazing in the Armed Forces.

**Subtitle F—National Commission on Military, National, and Public Service**

Sec. 551. Purpose, scope, and definitions.

Sec. 552. Preliminary report on purpose and utility of registration system under Military Selective Service Act.

Sec. 553. National Commission on Military, National, and Public Service.

Sec. 554. Commission hearings and meetings.

Sec. 555. Principles and procedure for Commission recommendations.

Sec. 556. Executive Director and staff.

Sec. 557. Termination of Commission.

**Subtitle G—Member Education, Training, Resilience, and Transition**

Sec. 561. Modification of program to assist members of the Armed Forces in obtaining professional credentials.

Sec. 562. Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling.

Sec. 563. Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay.

Sec. 564. Training under Transition Assistance Program on career and employment opportunities associated with transportation security cards.

Sec. 565. Extension of suicide prevention and resilience program.

Sec. 566. Congressional notification in advance of appointments to service academies.

Sec. 567. Report and guidance on Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated.

Sec. 568. Military-to-mariner transition.

**Subtitle H—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. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.

Sec. 573. Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act.

Sec. 574. Requirement for annual Family Advocacy Program report regarding child abuse and domestic violence.

Sec. 575. Reporting on allegations of child abuse in military families and homes.

Sec. 576. Repeal of Advisory Council on Dependents' Education.

Sec. 577. Support for programs providing camp experience for children of military families.

Sec. 578. Comptroller General of the United States assessment and report on Exceptional Family Member Programs.

Sec. 579. Impact aid amendments.

Subtitle I—Decorations and Awards

Sec. 581. Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list.

Sec. 582. Authorization for award of medals for acts of valor during certain contingency operations.

Sec. 583. Authorization for award of the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War.

Sec. 584. Authorization for award of Distinguished-Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor during World War II.

Sec. 585. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II.

Sec. 586. Review regarding award of Medal of Honor to certain Asian American and Native American Pacific Islander war veterans.

Subtitle J—Miscellaneous Reports and Other Matters

Sec. 591. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.

Sec. 592. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.

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 feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces.

Sec. 595. Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers.

Sec. 596. Body mass index test.

Sec. 597. Report on career progression tracks of the Armed Forces for women in combat arms units.

**Subtitle A—Officer Personnel Policy**

**SEC. 501. REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AND AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF SUCH GENERAL AND FLAG OFFICERS.**

(a) REDUCTION IN NUMBER OF GENERAL AND FLAG OFFICERS BY DECEMBER 31, 2022.—

(1) REQUIRED REDUCTION.—Except as otherwise provided by an Act enacted after the date of the enactment of this Act that expressly modi-

fies the requirements of this paragraph, by not later than December 31, 2022, the Secretary of Defense shall reduce the number of general and flag officers on active duty by 110 from the aggregate authorized number of general and flag officers authorized by sections 525 and 526 of title 10, United States Code, as of December 31, 2015.

(2) DISTRIBUTION OF AUTHORIZED POSITIONS.—Effective as of December 31, 2022, and reflecting the reduction required by paragraph (1), authorized general and flag officer positions shall be distributed among the Army, Navy, Air Force, Marine Corps, and joint pool as follows:

(A) The Army is authorized 220 positions in the general officer grades.

(B) The Navy is authorized 151 positions in the flag officer grades.

(C) The Air Force is authorized 187 positions in the general officer grades.

(D) The Marine Corps is authorized 62 positions in the general officer grades.

(E) The joint pool is authorized 232 positions in the general or flag officer grades, to be distributed as follows:

(i) 82 positions in the general officer grades from the Army.

(ii) 60 positions in the flag officer grades from the Navy.

(iii) 69 positions in the general officer grades from the Air Force.

(iv) 21 positions in the general officer grades from the Marine Corps.

(3) TEMPORARY ADDITIONAL JOINT POOL ALLOCATION.—In addition to the positions authorized by paragraph (2), the 30 general and flag officer positions designated for overseas contingency operations are authorized as an additional maximum temporary allocation to the joint pool.

(b) PLAN TO ACHIEVE REQUIRED REDUCTION AND DISTRIBUTION.—

(1) PLAN REQUIRED.—Utilizing the study conducted under subsection (c), the Secretary of Defense shall develop a plan to achieve, by the date specified in subsection (a)(1)—

(A) the reduction required by such subsection in the number of general and flag officers; and

(B) the distribution of authorized positions required by subsection (a)(2).

(2) SUBMISSION OF PLAN.—When the budget for the Department of Defense for fiscal year 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan developed under this subsection.

(3) PROGRESS REPORTS.—The Secretary of Defense shall include with the budget for the Department of Defense for each of fiscal years 2020, 2021, and 2022 a report describing and assessing the progress of the Secretary in implementing the plan developed under this subsection.

(c) STUDY FOR PURPOSES OF PLAN.—

(1) STUDY REQUIRED.—For purposes of complying with subsection (a) and preparing the plan required by subsection (b), the Secretary of Defense shall conduct a comprehensive and deliberate global manpower study of requirements for general and flag officers with the goal of identifying—

(A) the requirement justification for each general or flag officer position in terms of overall force structure, scope of responsibility, command and control requirements, and force readiness and execution;

(B) an additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions after the reductions required by subsection (a); and

(C) an appropriate redistribution of all general officer and flag officer positions within the reductions so identified.

(2) SUBMISSION OF STUDY RESULTS.—Not later than April 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representa-

tives a report setting forth the results of the study conducted under this subsection, including the justification for general and flag officer position to be retained and the reductions identified by general and flag officer position.

(3) INTERIM REPORT.—If practicable before the date specified in paragraph (2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report describing the progress made toward the completion of the study under this subsection, including—

(A) the specific general and flag officer positions that have been evaluated;

(B) the results of that evaluation; and

(C) recommendations for achieving the additional 10 percent reduction in the aggregate number of authorized general officer and flag officer positions to be identified under paragraph (1)(C) and recommendations for redistribution of general and flag officer positions that have been developed to that point.

(d) EXCLUSIONS.—

(1) RELATED TO JOINT DUTY ASSIGNMENTS.—For purposes of complying with subsection (a), the Secretary of Defense may exclude—

(A) a general or flag officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but not more than three officers on active duty from each Armed Force may be covered by the additional extension at the same time; and

(B) the number of officers required to serve in joint duty assignments for each Armed Force as authorized by the Secretary under section 526a(b) of title 10, United States Code, as added by subsection (h) of this section.

(2) RELATED TO RELIEF FROM CHIEF OF STAFF DUTY.—For purposes of complying with subsection (a), the Secretary of Defense may exclude an officer who continues to hold the grade of general or admiral under section 601(b)(5) of title 10, United States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps.

(3) RELATED TO RETIREMENT, SEPARATION, RELEASE, OR RELIEF.—For purposes of complying with subsection (a), the Secretary of Defense may exclude the following officers:

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

(B) An officer of an Armed Force who has been relieved from a position designated under section 601(a) of title 10, United States Code, or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

(e) SECRETARIAL AUTHORITY TO GRANT EXCEPTIONS TO LIMITATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense may alter the reduction otherwise required by subsection (a)(1) in the number of general and flag officer or the distribution of authorized positions otherwise required by subsection (a)(2) in the interest of the national security of the United States.

(2) NOTICE TO CONGRESS OF EXCEPTIONS.—Not later than 30 days after authorizing a number of general or flag officers in excess of the number required as a result of the reduction required by subsection (a)(1) or altering the distribution of authorized positions under subsection (a)(2), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the

House of Representatives written notice of such exception, including a statement of the reason for such exception and the anticipated duration of the exception.

(f) ORDERLY TRANSITION FOR OFFICERS RECENTLY ASSIGNED TO POSITIONS TO BE ELIMINATED.—

(1) COVERED OFFICERS.—In order to provide an orderly transition for personnel in general or flag officer positions to be eliminated pursuant to the plan prepared under subsection (b), any general or flag officer who has not completed, as of December 31, 2022, at least 24 months in a position to be eliminated pursuant to the plan may remain in the position until the last day of the month that is 24 months after the month in which the officer assumed the duties of the position.

(2) REPORT TO CONGRESS ON COVERED OFFICERS.—The Secretary of Defense shall include in the annual report required by section 526(j) of title 10, United States Code, in 2020 a description of the positions in which an officer will remain pursuant to paragraph (1), including the latest date on which the officer may remain in such position pursuant to that paragraph.

(3) NOTICE TO CONGRESS ON DETACHMENT OF COVERED OFFICERS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice on the date on which each officer covered by paragraph (1) is detached from the officer's position pursuant to such paragraph.

(g) RELATION TO SUBSEQUENT GENERAL OR FLAG NOMINATIONS.—

(1) NOTICE TO SENATE WITH NOMINATION.—In order to help achieve the requirements of the plan required by subsection (b), effective 30 days after the commencement of the implementation of the plan, the Secretary of Defense shall include with each nomination of an officer to a grade above colonel or captain (in the case of the Navy) that is forwarded by the President to the Senate for appointment, by and with the advice and consent of the Senate, a certification to the Committee on Armed Services of the Senate that the appointment of the officer to the grade concerned will not interfere with achieving the reduction required by subsection (a)(1) in the number of general and flag officer positions or the distribution of authorized positions required by subsection (a)(2).

(2) IMPLEMENTATION.—Not later than 120 days after the date of the submission of the plan required by subsection (b), the Secretary of Defense shall revise applicable guidance of the Department of Defense on general and flag officer authorizations in order to ensure that—

(A) the achievement of the reductions required pursuant to subsection (a) is incorporated into the planning for the execution of promotions by the military departments and for the joint pool;

(B) to the extent practicable, the resulting grades for general and flag officer positions are uniformly applied to positions of similar duties and responsibilities across the military departments and the joint pool; and

(C) planning achieves a reduction in the headquarters functions and administrative and support activities and staffs of the Department of Defense and the military departments commensurate with the achievement of the reductions required pursuant to subsection (a).

(h) AUTHORIZED STRENGTH AFTER DECEMBER 31, 2022, OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—

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

**“§526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty**

“(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2022, may not exceed the number specified for the armed force concerned as follows:

“(1) For the Army, 220.

“(2) For the Navy, 151.

“(3) For the Air Force, 187.

“(4) For the Marine Corps, 62.

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

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

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

“(A) For the Army, 75.

“(B) For the Navy, 53.

“(C) For the Air Force, 68.

“(D) For the Marine Corps, 17.

“(c) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to—

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

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

“(d) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETTS.—

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

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

“(e) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by the additional extension at the same time.

“(f) ACTIVE-DUTY BASELINE.—

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

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

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

“(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2023, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

“(g) JOINT DUTY ASSIGNMENT BASELINE.—

“(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

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

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

“(B) the actual number of general officers and flag officers who, as of January 1, 2023, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

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

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

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

(2) CONFORMING AMENDMENT.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2022. For provisions applicable to the number of such officers after that date, see section 526a of this title.”

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended by inserting after the item relating to section 526 the following new item:

“526a. Authorized strength after December 31, 2022: general officers and flag officers on active duty.”

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

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

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

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

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

(1) by striking subsection (c); and

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

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

(d) DIRECTOR OF MISSILE DEFENSE AGENCY.—(1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.

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

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

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

(g) **CHIEF OF STAFF TO PRESIDENT.**—

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

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

(h) **ATTENDING PHYSICIAN TO CONGRESS.**—

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

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

(i) **PHYSICIAN TO WHITE HOUSE.**—

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

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

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

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

(1) by striking the first sentence; and  
(2) in the second sentence, by striking “, and while so serving, has the grade of lieutenant general”.

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

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

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

(2) by striking “(1)”; and

(3) by striking paragraph (2).

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

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

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039.

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

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

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

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

(B) by striking subsection (c); and

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

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

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

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

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

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

(1) by striking paragraph (3); and

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

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

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

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

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

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

“3084. Chief of Veterinary Corps.”

(s) **ARMY AIDES.**—

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

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

(t) **PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.**—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking “a vice admiral of the Navy or a lieutenant general of the Marine Corps” and inserting “an officer of the Navy or the Marine Corps”.

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

(1) by striking “(1)”; and

(2) by striking paragraph (2).

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

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

(1) by striking subsection (b); and

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

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

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

(z) **BUREAU CHIEFS OF THE NAVY.**—

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

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

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

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

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

(bb) **BUREAU OF NAVAL PERSONNEL.**—

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

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

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

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

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

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 514 of such title is amended by striking the item relating to section 5141 and inserting the following new item:

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

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

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

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

(2) by striking “(1)”; and

(3) by striking paragraph (2).

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

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

(2) by striking “(1)”; and

(3) by striking paragraph (2).

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

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

(1) in subsection (a)(1)—

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

(B) by striking the second sentence; and

(2) in each of subsections (b) and (c), by striking the second and last sentences.

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

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

(2) by striking subsection (c).

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

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

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

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

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

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

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

(2) by striking “(1)”; and

(3) by striking paragraph (2).

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

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

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

(2) by striking subsection (c).

(nn) **CHIEF OF AIR FORCE NURSES.**—

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

(A) in subsection (a)—

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

(ii) by striking “and assistant chief”;

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

(C) by striking subsection (c).

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

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

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

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

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

(pp) **AIR FORCE AIDES.**—

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

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

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

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

(1) in subsection (a)(1)—

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

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

(C) by striking subparagraph (E); and

(2) by striking subsection (c).

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

(1) by striking “general”; and

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

**SEC. 503. NUMBER OF MARINE CORPS GENERAL OFFICERS.**

(a) *DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.*—Section 525(a)(4) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “15” and inserting “17”; and

(2) in subparagraph (C), by striking “23” and inserting “22”.

(b) *GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.*—Section 526(a)(4) of such title is amended by striking “61” and inserting “62”.

(c) *DEPUTY COMMANDANTS.*—Section 5045 of such title is amended by striking “six” and inserting “seven”.

**SEC. 504. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.**

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

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

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

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

**SEC. 505. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.**

(a) *AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.*—

(1) *IN GENERAL.*—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

**“§637a. Continuation on active duty: officers in certain military specialties and career tracks**

“(a) *IN GENERAL.*—The Secretary of the military department concerned may authorize an officer in a grade above grade O-4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

“(b) *MILITARY SPECIALTIES.*—Each Secretary of a military department shall designate the military specialties in which a military occupa-

tional specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary authorizes the members to be eligible for continuation on active duty as provided in subsection (a).

“(c) *DURATION OF CONTINUATION.*—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

“(d) *REGULATIONS.*—The Secretaries of the military departments shall carry out this section in accordance with regulations prescribed by the Secretary of Defense. The regulations shall specify the criteria to be used by the Secretaries of the military departments in designating military specialties for purposes of subsection (b).”.

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after the item relating to section 637 the following new item:

“637a. Continuation on active duty: officers in certain military specialties and career tracks.”.

(b) *CONFORMING AMENDMENTS.*—The following provisions of title 10, United States Code, are amended by inserting “or 637a” after “637(b)”:

(1) Section 633(a).

(2) Section 634(a).

(3) Section 635.

(4) Section 636(a).

**SEC. 506. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR DISCHARGE.**

Section 638a of title 10, United States Code, is amended—

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

“(4) Convening selection boards under section 611(b) of this title to consider for early retirement or discharge regular officers on the active-duty list in a grade below lieutenant colonel or commander—

“(A) who have served at least one year of active duty in the grade currently held; and

“(B) whose names are not on a list of officers recommended for promotion.”.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) In the case of action under subsection (b)(4), the Secretary of the military department concerned shall specify the total number of officers described in that subsection that a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement or discharge. Officers who are eligible, or are within two years of becoming eligible, to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484)), if selected by the board, shall be retired or retained until becoming eligible to retire under section 3911, 6323, or 8911 of this title, and those officers who are otherwise ineligible to retire under any provision of law shall, if selected by the board, be discharged.

“(2) In the case of action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

“(A) the names of all eligible officers described in that subsection, whether or not they are eligible to be retired under any provision of law, in a particular grade and competitive category; or

“(B) the names of all eligible officers described in that subsection in a particular grade and competitive category, whether or not they are eligible to be retired under any provision of law, who are also in particular year groups, specialties, or retirement categories, or any combination thereof, with that competitive category.

“(3) The number of officers specified under paragraph (1) may not be more than 30 percent of the number of officers considered.

“(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b)(4) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

“(5) Selection of officers for discharge under this subsection shall be based on the needs of the service.”.

**SEC. 507. MODIFICATION OF AUTHORITY TO DROP FROM ROLLS A COMMISSIONED OFFICER.**

Section 1161(b) of title 10, United States Code, is amended by inserting “or the Secretary of Defense, or in the case of a commissioned officer of the Coast Guard, the Secretary of the department in which the Coast Guard is operating when it is not operating in the Navy,” after “President”.

**SEC. 508. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.**

(a) *TEMPORARY EARLY RETIREMENT AUTHORITY.*—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(b) *CONTINUATION ON ACTIVE DUTY.*—Section 638a(a)(2) of title 10, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(c) *VOLUNTARY SEPARATION PAY.*—Section 1175a(k)(1) of such title is amended by striking “December 31, 2018” and inserting “December 31, 2025”.

(d) *SERVICE-IN-GRADE WAIVERS.*—Section 1370(a)(2)(F) of such title is amended by striking “2018” and inserting “2025”.

**SEC. 509. PILOT PROGRAMS ON DIRECT COMMISSIONS TO CYBER POSITIONS.**

(a) *PILOT PROGRAMS AUTHORIZED.*—Each Secretary of a military department may carry out a pilot program to improve the ability of an Armed Force under the jurisdiction of the Secretary to recruit cyber professionals.

(b) *ELEMENTS.*—Under a pilot program established under this section, an individual who meets educational, physical, and other requirements determined appropriate by the Secretary of the military department concerned may receive an original appointment as a commissioned officer in a cyber specialty.

(c) *CONSULTATION.*—In developing a pilot program for the Army or the Air Force under this section, the Secretary of the Army and the Secretary of the Air Force may consult with the Secretary of the Navy with respect to an existing, similar program carried out by the Secretary of the Navy.

(d) *DURATION.*—

(1) *COMMENCEMENT.*—The Secretary of a military department may commence a pilot program under this section on or after January 1, 2017.

(2) *TERMINATION.*—All pilot programs under this section shall terminate no later than December 31, 2022.

(e) *STATUS REPORT.*—Not later than January 1, 2020, each Secretary of a military department who conducts a pilot program under this section shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an evaluation of the success of the program in obtaining skilled cyber personnel for the Armed Forces.

**SEC. 510. LENGTH OF JOINT DUTY ASSIGNMENTS.**

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

(b) *REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO*

**CRITICAL OCCUPATIONAL SPECIALTIES.**—Such section is further amended by striking subsection (c).

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

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

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

(3) by striking paragraph (2);

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

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

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

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

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

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

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

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

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

(1) by striking “(1)”;

(2) by striking “accord” and inserting “award”; and

(3) by striking paragraph (2).

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

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

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking “subsection (g)” and inserting “subsection (e)”;

(4) in subsection (e), as so redesignated and amended, by striking “subsection (f)(3)” and inserting “subsection (d)(2)”;

(5) in subsection (f), as so redesignated and amended, by striking “paragraphs (1), (2), and (4) of subsection (f)” and inserting “subsection (d)(1)”.

**SEC. 510A. REVISION OF DEFINITIONS USED FOR JOINT OFFICER MANAGEMENT.**

(a) **DEFINITION OF JOINT MATTERS.**—Paragraph (1) of section 668(a) of title 10, United States Code, is amended to read as follows:

“(1) In this chapter, the term ‘joint matters’ means matters related to any of the following:

“(A) The development or achievement of strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains, such as land, sea, or air, in space, or in the information environment, including matters relating to any of the following:

“(i) National military strategy.

“(ii) Strategic planning and contingency planning.

“(iii) Command and control, intelligence, fires, movement and maneuver, protection or sustainment of operations under unified command.

“(iv) National security planning with other departments and agencies of the United States.

“(v) Combined operations with military forces of allied nations.

“(B) Acquisition matters conducted by members of the armed forces and covered under chapter 87 of this title involved in developing,

testing, contracting, producing, or fielding of multi-service programs or systems.

“(C) Other matters designated in regulation by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.”.

(b) **DEFINITION OF INTEGRATED FORCES.**—Section 668(a)(2) of title 10, United States Code, is amended in the matter preceding subparagraph (A)—

(1) by striking “integrated military forces” and inserting “integrated forces”; and

(2) by striking “the planning or execution (or both) of operations involving” and inserting “achieving unified action with”.

(c) **DEFINITION OF JOINT DUTY ASSIGNMENT.**—Section 668(b)(1) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) shall be limited to assignments in which—

“(i) the preponderance of the duties of the officer involve joint matters and

“(ii) the officer gains significant experience in joint matters; and”.

(d) **REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALTY.**—Section 668 of title 10, United States Code, is amended by striking subsection (d).

**Subtitle B—Reserve Component Management**

**SEC. 511. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.**

Section 10505(a)(4) of title 10, United States Code, is amended by striking “paragraph (3)(B) for a limited period of time” and inserting “paragraph (3) for not more than 90 days”.

**SEC. 512. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.**

(a) **IN GENERAL.**—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (4), by striking “; and” and inserting “when the appeal concerns activity occurring while the member is in a military pay status, or concerns fitness for duty in the reserve components;”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

“(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of sections 7511, 7512, and 7513 of title 5, and section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and”;

(2) in subsection (g), by striking “Sections” and inserting “Except as provided in subsection (f), sections”.

(b) **DEFINITIONS.**—Section 709 of title 32, United States Code, is further amended by adding at the end the following new subsection:

“(j) In this section:

“(1) The term ‘military pay status’ means a period of service where the amount of pay payable to a technician for that service is based on rates of military pay provided for under title 37.

“(2) The term ‘fitness for duty in the reserve components’ refers only to military-unique service requirements that attend to military service generally, including service in the reserve components or service on active duty.”.

(c) **CONFORMING AMENDMENT.**—Section 7511 of title 5, United States Code, is amended by striking paragraph (5).

**SEC. 513. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.**

Section 709(g) of title 32, United States Code, as amended by section 512(a)(2), is further amended—

(1) by inserting “(1)” after “(g)”;

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

“(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also

does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).”.

**SEC. 514. EXTENSION OF REMOVAL OF RESTRICTIONS ON THE TRANSFER OF OFFICERS BETWEEN THE ACTIVE AND INACTIVE NATIONAL GUARD.**

Section 512 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 752; 32 U.S.C. prec. 301 note) is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2019”; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2019”.

**SEC. 515. EXTENSION OF TEMPORARY AUTHORITY TO USE AIR FORCE RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND INSTRUCTION REGARDING PILOT TRAINING.**

Section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 810) is amended by inserting “and fiscal year 2017” after “During fiscal year 2016”.

**SEC. 516. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.**

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking “the National Guard” and inserting “a reserve component of the armed forces”; and

(2) by striking “a National Guard officer” and inserting “a reserve component officer”.

**Subtitle C—General Service Authorities**

**SEC. 521. MATTERS RELATING TO PROVISION OF LEAVE FOR MEMBERS OF THE ARMED FORCES, INCLUDING PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.**

(a) **PRIMARY AND SECONDARY CAREGIVER LEAVE.**—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

“(i)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child is allowed up to twelve weeks of total leave, including up to six weeks of medical convalescent leave, to be used in connection with such birth.

“(B) Under the regulations prescribed for purposes of this subsection, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the adoption of a child is allowed up to six weeks of total leave to be used in connection with such adoption.

“(2) Paragraph (1) applies to the following members:

“(A) A member on active duty.

“(B) A member of a reserve component performing active Guard and Reserve duty.

“(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

“(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term ‘primary caregiver’ for purposes of this subsection.

“(4) Notwithstanding paragraph (1)(A), a member may receive more than six weeks of medical convalescent leave in connection with the birth of a child, but only if the additional medical convalescent leave—

“(A) is specifically recommended, in writing, by the medical provider of the member to address a diagnosed medical condition; and

“(B) is approved by the commander of the member.

“(5) Any leave taken by a member under this subsection, including leave under paragraphs (1) and (4), may be taken only in one increment in connection with such birth or adoption.

“(6)(A) Any leave authorized by this subsection that is not taken within one year of such birth or adoption shall be forfeited.

“(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken by the time the member is separated from active duty shall be forfeited at that time.

“(7) The period of active duty of a member of a reserve component may not be extended in order to permit the member to take leave authorized by this subsection.

“(8) Under the regulations prescribed for purposes of this subsection, a member taking leave under paragraph (1) may, as a condition for taking such leave, be required—

“(A) to accept an extension of the member’s current service obligation, if any, by one week for every week of leave taken under paragraph (1); or

“(B) to incur a reduction in the member’s leave account by one week for every week of leave taken under paragraph (1).

“(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

“(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

“(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

“(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists at the end of the member’s period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

“(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 21 days of leave to be used in connection with such birth or adoption.

“(2) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term ‘secondary caregiver’ for purposes of this subsection.

“(3) Any leave taken by a member under this subsection may be taken only in one increment in connection with such birth or adoption.

“(4) Under the regulations prescribed for purposes of this subsection, paragraphs (6) through (10) of subsection (i) (other than paragraph (9)(B) of such subsection) shall apply to leave, and the taking of leave, authorized by this subsection.”.

(b) PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.—

(1) PROHIBITION.—Chapter 40 of title 10, United States Code, is amended by inserting after section 704 the following new section:

“§704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law

“No member or category of members of the armed forces may be authorized, granted, or assigned leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act of Congress enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of title 10, United States Code, is amended by inserting after the item relating to section 704 the following new item:

“704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.”.

**SEC. 522. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.**

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

“§709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

“(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

“(1) the leave is canceled in connection with the member’s participation in a contingency operation; and

“(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

“(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

“(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

“709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.”.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

**SEC. 523. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.**

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—Section 1044d(c) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) the execution of the instrument is notarized by—

“(A) a military legal assistance counsel;

“(B) a person who is authorized to act as a notary under section 1044a of this title who—

“(i) is not an attorney; and

“(ii) is supervised by a military legal assistance counsel; or

“(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;”;

(2) in paragraph (3), by striking “presiding attorney” and inserting “person notarizing the instrument in accordance with paragraph (2)”.

(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—Section 1044a(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).”.

**SEC. 524. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.**

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting “, or sexually assaulted,” after “deployed overseas in support of a contingency operation”; and

(2) by inserting “or based on such sexual assault,” after “while deployed.”.

**SEC. 525. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.**

(a) REDUCTION OF TENURE.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “five years” and inserting “three years”; and

(2) in subsection (h), by striking “five years” and inserting “three years”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

**SEC. 526. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND BENEFITS.**

Section 1175a(f) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “or 12304” and inserting “12304, 12304a, or 12304b”; and

(B) by striking “502(f)(1)” and inserting “502(f)(1)(A)”; and

(2) in paragraph (3), by striking “502(f)(2)” and inserting “502(f)(1)(B)”.

**SEC. 527. CONSOLIDATION OF ARMY MARKETING AND PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.**

(a) CONSOLIDATION OF ARMY MARKETING.—Not later than October 1, 2017, the Secretary of the Army shall consolidate into a single organization within the Department of the Army all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(b) PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.—

(1) PILOT PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall carry out a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

(2) CREDIT TOWARD ENLISTMENT GOALS.—Under the pilot program, a recruiter shall receive credit toward periodic enlistment goals for each enlistment regardless of the component in which the individual enlists.

(3) DURATION.—The Secretary shall carry out the pilot program for a period of not less than three years.

(c) BRIEFING AND REPORTS.—

(1) BRIEFING ON CONSOLIDATION PLAN.—Not later than March 1, 2017, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the Secretary’s plan to carry out the Army marketing consolidation required by subsection (a).

(2) INTERIM REPORT ON PILOT PROGRAM.—

(A) IN GENERAL.—Not later than one year after the date on which the pilot program under subsection (b) commences, the Secretary shall submit to the congressional committees specified in paragraph (1) a report on the pilot program.

(B) ELEMENTS.—The report under subparagraph (A) shall include each of the following:

(i) An analysis of the effects that consolidated recruiting efforts has on the overall ability of recruiters to attract and place qualified candidates.

(ii) A determination of the extent to which consolidating recruiting efforts affects efficiency and recruiting costs.

(iii) An analysis of any challenges associated with a recruiter working to recruit individuals

to enlist in a component in which the recruiter has not served.

(iv) An analysis of the satisfaction of recruiters and the component recruiting commands with the pilot program.

(3) **FINAL REPORT ON PILOT PROGRAM.**—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the congressional committees specified in paragraph (1) a final report on the pilot program. The final report shall include any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.

**Subtitle D—Member Whistleblower Protections and Correction of Military Records**

**SEC. 531. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.**

(a) **ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.**—Paragraph (2) of section 1034(b) of title 10, United States Code, is amended to read as follows:

“(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including any of the following:

“(i) The threat to take any unfavorable action.

“(ii) The withholding, or threat to withhold, any favorable action.

“(iii) The making of, or threat to make, a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member’s grade.

“(iv) The failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates against a member.

“(v) The conducting of a retaliatory investigation of a member.

“(B) In this paragraph, the term ‘retaliatory investigation’ means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member of the armed forces for making a protected communication.

“(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.”.

(b) **ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.**—Section 1034 of title 10, United States Code, is amended—

(1) in subsection (c)(4)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that, more likely than not, a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.”; and

(2) in subsection (e)(1), by striking “subsection (c)(4)(E)” and inserting “subsection (c)(4)(F)”.

(c) **PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGA-**

**TIONS.**—Paragraph (3) of section 1034(e) of title 10, United States Code, is amended to read as follows:

“(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

“(i) The member.

“(ii) The Secretary of Defense.

“(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“(B) Each notice on an investigation under subparagraph (A) shall include the following:

“(i) A description of the current progress of the investigation.

“(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.”.

(d) **CORRECTION OF RECORDS.**—Paragraph (2) of section 1034(g) of title 10, United States Code, is amended to read as follows:

“(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

“(A) shall review the report of the Inspector General;

“(B) may request the Inspector General to gather further evidence;

“(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

“(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.”.

(e) **UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) **USE.**—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

**SEC. 532. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.**

(a) **IN GENERAL.**—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “VIOLATIONS” and inserting “SUBSTANTIATED VIOLATIONS”; and

(2) in paragraph (1), by striking “there is sufficient basis” and all that follows and inserting “corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.”.

(b) **ACTIONS FOLLOWING DETERMINATIONS.**—Paragraph (2) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “the Secretary concerned determines under paragraph (1)” and inserting “the Inspector General determines”; and

(B) by striking “the Secretary shall” and inserting “the Secretary concerned shall”;

(2) in subparagraph (A), by inserting “, including referring the report to the appropriate board for the correction of military records” before the semicolon; and

(3) by striking subparagraph (B) and inserting the following new subparagraph (B):

“(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports received by the Secretaries of the military departments and the Secretary of Homeland Security under section 1034(e) of title 10, United States Code, on or after that date.

**SEC. 533. AVAILABILITY OF CERTAIN CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD INFORMATION THROUGH THE INTERNET.**

(a) **BOARD FOR THE CORRECTION OF MILITARY RECORDS.**—Section 1552 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) Each board established under this section shall make available to the public each calendar quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

“(1) The number of claims considered by such board during the calendar quarter preceding the calendar quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

“(2) The number of claims submitted during the calendar quarter preceding the calendar quarter in which such information is made available that relate to service by a claimant during a war or contingency operation, catalogued by each war or contingency operation.

“(3) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.”.

(b) **DISCHARGE REVIEW BOARD.**—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) Each board established under this section shall make available to the public each calendar quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

“(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calendar quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

“(2) The number of claims submitted during the calendar quarter preceding the calendar

quarter in which such information is made available that relate to service by a claimant during a war or contingency operation, catalogued by each war or contingency operation.

“(3) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.”.

**SEC. 534. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.**

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”; and

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

“(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

“(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board’s efforts, and shall provide the claimant copies of any records so obtained upon request of the claimant.

“(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.”.

(b) PUBLICATION OF FINAL DECISIONS OF BOARDS.—Such section is further amended by adding at the end the following new paragraph:

“(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.”.

(c) TRAINING OF MEMBERS OF BOARDS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) UNIFORM CURRICULA.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552 of title 10, United States Code, at least once every five years during the member’s tenure on the board.

(B) CURRENT MEMBERS.—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the “curriculum implementation date”) shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) NEW MEMBERS.—Each individual who becomes a member of a board for the correction of military records after the curriculum implementa-

tion date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term “Secretary concerned” means a “Secretary concerned” as that term is used in section 1552 of title 10, United States Code.

**SEC. 535. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.**

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) In addition to the requirements of paragraphs (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

“(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

“(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

“(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.”.

**SEC. 536. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.**

(a) REPORT REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

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

(1) An assessment of the extent to which the Department of Defense whistleblower program meets executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard

to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.

**Subtitle E—Military Justice and Legal Assistance Matters**

**SEC. 541. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.—Subsection (c) of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended to read as follows:

“(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.”.

(b) MODIFICATION OF TERM OF JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—

(1) EARLY RETIREMENT AUTHORIZED FOR ONE CURRENT JUDGE.—If the judge of the United States Court of Appeals for the Armed Forces who is the junior in seniority of the two judges of the court whose terms of office under section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), expire on July 31, 2021, chooses to retire one year early, that judge—

(A) may retire from service on the court effective August 1, 2020; and

(B) shall be treated, upon such retirement, for all purposes as having completed a term of service for which the judge was appointed as a judge of the court.

(2) STAGGERING OF FUTURE APPOINTMENTS.—Section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice), is amended—

(A) by inserting “(A)” after “(2)”; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

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

“(B) If at the time of the appointment of a judge the date that is otherwise applicable under subparagraph (A) for the expiration of the term of service of the judge is the same as the date for the expiration of the term of service of a judge already on the court, then the term of the judge being appointed shall expire on the first July 31 after such date on which no term of service of a judge already on the court will expire.”.

(3) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (2) shall apply with respect to appointments to the United States Court of Appeals for the Armed Forces that are made on or after the date of the enactment of this Act.

(c) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of title 10, United States Code (article 142(b)(3) of the Uniform

Code of Military Justice), is amended by striking “Not more than three of the judges of the court may be appointed from the same political party, and no” and by inserting “No”.

(d) **MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.**—Section 942(e)(2) of title 10, United States Code (article 142(e)(2) of the Uniform Code of Military Justice), is amended by striking “equal to” and all that follows and inserting “equal to the difference between—

“(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and  
“(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.”.

(e) **REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.**—Section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), is amended—

(1) in subsection (d), by striking “subsection (g)(1)(B)” and inserting “subsection (f)(1)(B)”;

(2) by striking subsection (f); and

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

**SEC. 542. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL AND PILOT PROGRAMS ON PROFESSIONAL MILITARY JUSTICE DEVELOPMENT FOR JUDGE ADVOCATES.**

(a) **PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.**—The Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; and

(2) a deliberate professional developmental process is in place to ensure effective prosecution and defense in all courts-martial.

(b) **MILITARY JUSTICE EXPERIENCE DESIGNATORS OR SKILL IDENTIFIERS.**—The Secretary concerned shall establish and use a system of military justice experience designators or skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with experience and skills identified through such experience designators or skill identifiers are assigned to develop less experienced judge advocates in the prosecution and defense in courts-martial under a program carried out pursuant to subsection (a).

(c) **PILOT PROGRAMS ON PROFESSIONAL DEVELOPMENTAL PROCESS FOR JUDGE ADVOCATES.**—

(1) **PURPOSE.**—The Secretary concerned shall carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional developmental process for judge advocates under the jurisdiction of the Secretary that leads to judge advocates with military justice expertise serving as military justice practitioners capable of prosecuting and defending complex cases in military courts-martial.

(2) **ADDITIONAL MATTERS.**—A pilot program may also assess such other matters related to professional military justice development for judge advocates as the Secretary concerned considers appropriate.

(3) **DURATION.**—Each pilot program shall be for a period of five years.

(4) **REPORT.**—Not later than four years after the date of the enactment of this Act, the Secretary concerned shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs conducted under this section. The report shall include the following:

(A) A description and assessment of each pilot program.

(B) Such recommendations as the Secretary considers appropriate in light of the pilot pro-

grams, including whether any pilot program should be extended or made permanent.

(d) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

**SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.**

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

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

“(A) A narrative description of each complaint.

“(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

“(C) The gender of the complainant.

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

“(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

“(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

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

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

“(I) The current status of the investigation.

“(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

“(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).”.

**SEC. 544. EXTENSION OF THE REQUIREMENT FOR ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND COORDINATION WITH RELEASE OF FAMILY ADVOCACY PROGRAM REPORT.**

Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended—

(1) in subsection (a), by striking “March 1, 2017” and inserting “March 1, 2021”; and

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

“(g) **COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY REPORT.**—The Secretary of Defense shall ensure that the reports required under subsection (a) for a given year are delivered to the Committees on Armed Services of the Senate and House of Representatives simultaneously with the Family Advocacy Program report for that year regarding child abuse and domestic violence, as required by section 574 of the National Defense Authorization Act for Fiscal Year 2017.”.

**SEC. 545. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.**

(a) **METRICS REQUIRED.**—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) **BEST PRACTICES.**—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

**SEC. 546. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.**

(a) **TRAINING REGARDING NATURE AND CONSEQUENCES OF RETALIATION.**—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation receive training on the nature and consequences of retaliation, and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) **COVERED PERSONNEL.**—The personnel of the Department of Defense covered by subsection (a) are the following:

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

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

(c) **RETALIATION DEFINED.**—In this section, the term “retaliation” has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

**SEC. 547. NOTIFICATION TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.**

(a) **NOTIFICATION REQUIRED.**—

(1) **MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS.**—Under regulations prescribed by the Secretary of Defense, upon the conclusion of an investigation by an office, element, or personnel of the Department of Defense or of the Armed Forces of a complaint by a member of the Armed Forces of retaliation, the member shall be informed in writing of the results of the investigation, including whether the complaint was substantiated, unsubstantiated, or dismissed.

(2) **MEMBERS OF COAST GUARD.**—The Secretary of Homeland Security shall provide in a similar manner for notification in writing of the results of investigations by offices, elements, or personnel of the Department of Homeland Security or of the Coast Guard of complaints of retaliation made by members of the Coast Guard when it is not operating as a service in the Navy.

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

**SEC. 548. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS BY COMMANDING OFFICERS OF COMPLAINTS OF HARASSMENT.**

(a) **IN GENERAL.**—Section 1561(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(constituting a form of sex discrimination)”;

(B) in subparagraph (B), by striking “the work environment” and inserting “the environment”;

(2) in paragraph (3), by striking “in the workplace”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

**SEC. 549. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF AND RESPONSE TO HAZING IN THE ARMED FORCES.**

(a) **ANTI-HAZING DATABASE.**—The Secretary of Defense shall provide for the establishment and use of a comprehensive and consistent data-collection system for the collection of reports, including anonymous reports, of incidents of hazing involving a member of the Armed Forces. The Secretary shall issue department-wide guidance regarding the availability and use of the database, including information on protected classes, such as race and religion, who are often the victims of hazing.

(b) **IMPROVED TRAINING.**—Each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall seek to improve training to assist members of the Armed Forces better recognize, prevent, and respond to hazing at all command levels.

(c) **ANNUAL REPORTS ON HAZING.**—

(1) **REPORT REQUIRED.**—Not later than January 31 of each year through January 31, 2021, each Secretary of a military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of efforts during the previous year—

(A) to prevent and to respond to incidents of hazing involving members of the Armed Forces;

(B) to track and encourage reporting, including reporting anonymously, incidents of hazing in the Armed Force; and

(C) to ensure the consistent implementation of anti-hazing policies.

(2) **ADDITIONAL ELEMENTS.**—Each report required by this subsection also shall address the same elements originally addressed in the anti-hazing reports required by section 534 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1726).

**Subtitle F—National Commission on Military, National, and Public Service**

**SEC. 551. PURPOSE, SCOPE, AND DEFINITIONS.**

(a) **PURPOSE.**—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as “the draft”); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) **SCOPE OF REVIEW.**—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so

modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) **DEFINITIONS.**—In this subtitle:

(1) The term “military service” means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term “national service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term “public service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

**SEC. 552. PRELIMINARY REPORT ON PURPOSE AND UTILITY OF REGISTRATION SYSTEM UNDER MILITARY SELECTIVE SERVICE ACT.**

(a) **REPORT REQUIRED.**—To assist the Commission in carrying out its duties under this subtitle, the Secretary of Defense shall—

(1) submit, not later than July 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a report on the current and future need for a centralized registration system under the Military Selective Service Act (50 U.S.C. 3801 et seq.); and

(2) provide a briefing on the results of the report.

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

(1) A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including—

(A) the extent to which mandatory registration benefits military recruiting;

(B) the extent to which a national registration capability serves as a deterrent to potential enemies of the United States; and

(C) the extent to which expanding registration to include women would impact these benefits.

(2) An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department of Defense in the absence of a national registration capability.

(3) An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.

(4) An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.

(5) A detailed analysis of the Department’s personnel needs in the event of an emergency requiring mass mobilization, including—

(A) a detailed timeline, along with the factors considered in arriving at this timeline, of when the Department would require—

(i) the first inductees to report for service;

(ii) the first 100,000 inductees to report for service; and

(iii) the first medical personnel to report for service; and

(B) an analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.

(6) A list of the assumptions used by the Department when conducting its analysis in preparing the report.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives and to the Commission a review of the procedures used by the Department of Defense in evaluating selective service requirements.

**SEC. 553. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.**

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the “Commission”). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The ranking minority member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The ranking minority member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) **DEADLINE FOR APPOINTMENT.**—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(3) **EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.**—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) **CHAIR AND VICE CHAIR.**—The Commission shall elect a Chair and Vice Chair from among its members.

(d) **TERMS.**—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) **PAY FOR MEMBERS OF THE COMMISSION.**—

(1) **IN GENERAL.**—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5,

United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) FUNDING.—Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to \$15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

#### SEC. 554. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any

member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 555(d).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

#### SEC. 555. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct a review of the military selective service process; and

(2) consider methods to increase participation in military, national, and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and

training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) PUBLIC AVAILABILITY.—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

(f) JUDICIAL REVIEW PRECLUDED.—Actions under this section of the President, the officials specified or designated under subsection (d), and the Commission shall not be subject to judicial review.

#### SEC. 556. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) STAFF.—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) **PRIOR DUTIES WITHIN EXECUTIVE BRANCH.**—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) **LIMITATIONS ON PERFORMANCE REVIEWS.**—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

**SEC. 557. TERMINATION OF COMMISSION.**

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

**Subtitle G—Member Education, Training, Resilience, and Transition**

**SEC. 561. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.**

(a) **SCOPE OF PROGRAM.**—Section 2015(a)(1) of title 10, United States Code, is amended by striking “incident to the performance of their military duties”.

(b) **QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.**—Section 2015(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “is accredited by an accreditation body that” and all that follows and inserting “meets one of the requirements specified in paragraph (2).”; and

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

“(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

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

“(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

“(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

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

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

**SEC. 562. INCLUSION OF ALCOHOL, PRESCRIPTION DRUG, OPIOID, AND OTHER SUBSTANCE ABUSE COUNSELING AS PART OF REQUIRED PREPARATION COUNSELING.**

Section 1142(b)(11) of title 10, United States Code, is amended by inserting before the period the following: “and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse”.

**SEC. 563. INCLUSION OF INFORMATION IN TRANSITION ASSISTANCE PROGRAM REGARDING EFFECT OF RECEIPT OF BOTH VETERAN DISABILITY COMPENSATION AND VOLUNTARY SEPARATION PAY.**

Section 1144(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(10) Provide information regarding the required deduction, pursuant to subsection (h) of

section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation pay received by the member under such section.”.

**SEC. 564. TRAINING UNDER TRANSITION ASSISTANCE PROGRAM ON CAREER AND EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH TRANSPORTATION SECURITY CARDS.**

(a) **IN GENERAL.**—Section 1144(b) of title 10, United States Code, as amended by section 563, is further amended by adding at the end the following new paragraph:

“(11) Acting through the Secretary of the department in which the Coast Guard is operating, provide information on career and employment opportunities available to members with transportation security cards issued under section 70105 of title 46.”.

(b) **DEADLINE FOR IMPLEMENTATION.**—The program carried out under section 1144 of title 10, United States Code, shall satisfy the requirements of subsection (b)(11) of such section (as added by subsection (a) of this section) by not later than 180 days after the date of the enactment of this Act.

**SEC. 565. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM.**

Section 10219(g) of title 10, United States Code, is amended by striking “October 1, 2017” and inserting “October 1, 2018”.

**SEC. 566. CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS TO SERVICE ACADEMIES.**

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence:

“When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(b) **UNITED STATES NAVAL ACADEMY.**—Section 6954(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a midshipman, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(c) **UNITED STATES AIR FORCE ACADEMY.**—Section 9342(a) of title 10, United States Code, is amended in the matter after paragraph (10) by adding at the end the following new sentence: “When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(d) **UNITED STATES MERCHANT MARINE ACADEMY.**—Section 51302 of title 46, United States Code, is amended by adding at the end the following:

“(e) **CONGRESSIONAL NOTIFICATION IN ADVANCE OF APPOINTMENTS.**—When a nominee of a Senator, Representative, or Delegate is selected for appointment as a cadet, the Senator, Representative, or Delegate shall be notified at least 48 hours before the official notification or announcement of the appointment is made.”.

(e) **APPLICATION OF AMENDMENTS.**—The amendments made by this section shall apply with respect to the appointment of cadets and midshipmen to the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy for classes entering these service academies after January 1, 2018.

**SEC. 567. REPORT AND GUIDANCE ON JOB TRAINING, EMPLOYMENT SKILLS TRAINING, APPRENTICESHIPS, AND INTERNSHIPS AND SKILLBRIDGE INITIATIVES FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and make available to the public, a report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives, under which civilian businesses and companies make available to members of the Armed Forces who are being separated from the Armed Forces training or internship opportunities that offer a high probability of employment for the members after their separation.

(b) **ELEMENTS.**—In preparing the report required by subsection (a), the Under Secretary of Defense for Personnel and Readiness shall use the effectiveness metrics described in Enclosure 5 of Department of Defense Instruction No. 1322.29. The report shall include the following:

(1) An assessment of the successes of the Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives.

(2) Recommendations by the Under Secretary on ways in which the administration of the initiatives could be improved.

(3) Recommendations by civilian companies participating in the initiatives on ways in which the administration of the initiatives could be improved.

**SEC. 568. MILITARY-TO-MARINER TRANSITION.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly report to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on steps the Departments of Defense and Homeland Security have taken or intend to take—

(1) to maximize the extent to which United States Armed Forces service, training, and qualifications are creditable toward meeting the laws and regulations governing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including steps to enhance interdepartmental coordination; and

(2) to promote better awareness among Armed Forces personnel who serve in vessel operating positions of the requirements for postservice use of Armed Forces training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulations, and the need to document such service in a manner suitable for post-service use.

(b) **LIST OF TRAINING PROGRAMS.**—The report under subsection (a) shall include a list of Army, Navy, and Coast Guard training programs open to Army, Navy, and Coast Guard vessel operators, respectively, that shows—

(1) which programs have been approved for credit toward merchant mariner credentials;

(2) which programs are under review for such approval;

(3) which programs are not relevant to the training needed for merchant mariner credentials; and

(4) which programs could become eligible for credit toward merchant mariner credentials with minor changes.

**Subtitle H—Defense Dependents' Education and Military Family Readiness Matters**

**SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in division D, \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 572. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.**

(a) EXTENSION.—Section 574(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by striking “September 30, 2016” and inserting “September 30, 2017”.

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

**SEC. 573. ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES REGARDING CHILD CUSTODY PROTECTIONS GUARANTEED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.**

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

**SEC. 574. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.**

(a) ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC VIOLENCE.—Not later than April 30, 2017, and annually thereafter through April 30, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the child abuse and domestic abuse incident data from the Department of Defense Family Advocacy Program central registry of child

abuse and domestic abuse incidents for the preceding calendar year.

(b) CONTENTS.—The report shall contain each of the following:

(1) The number of incidents reported during the year covered by the report involving—

- (A) spouse physical or sexual abuse;
- (B) intimate partner physical or sexual abuse;
- (C) child physical or sexual abuse; and
- (D) child or domestic abuse resulting in a fatality.

(2) An analysis of the number of such incidents that met the criteria for substantiation.

(3) An analysis of—

- (A) the types of abuse reported;
- (B) for cases involving children as the reported victims of the abuse, the ages of the abused children; and
- (C) other relevant characteristics of the reported victims.

(4) An analysis of the military status, sex, and pay grade of the alleged perpetrator of the child or domestic abuse.

(5) An analysis of the effectiveness of the Family Advocacy Program.

(c) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORTS REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY PROGRAM REPORT.—The Secretary of Defense shall ensure that the sexual assault reports required to be submitted under section 1631(d) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) for a year are delivered to the Committees on Armed Services of the House of Representatives and the Senate simultaneously with the report for that year required under this section.

**SEC. 575. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.**

(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

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

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term “child abuse” has the meaning given that term in section 226(c) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031(c)).

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

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

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

(3) by inserting after subsection (d) the following new subsection (e):

“(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

“(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be

made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

“(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.”

**SEC. 576. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.**

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

**SEC. 577. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.**

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp, or camp-like setting, of children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.

(b) APPLICATION FOR SUPPORT.—

(1) IN GENERAL.—Each organization seeking support pursuant to subsection (a) shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall specify for purposes of this section.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

(A) A description of the program for which support is being sought, including the location of the setting or settings under the program, the duration of such setting or settings, any local partners participating in or contributing to the program, and the ratio of counselors, trained volunteers, or both to children at such setting or settings.

(B) An estimate of the number of children of military families to be supported using the support sought.

(C) A description of the type of activities that will be conducted using the support sought, including the manner in which activities are particularly supportive to children of military families described in subsection (a).

(D) A description of the outreach conducted or to be conducted by the organization to military families regarding the program.

(c) USE OF SUPPORT.—Support provided by the Secretary of Defense to an organization pursuant to subsection (a) shall be used by the organization to support attendance at a camp, or camp-like setting, of children of military families described in subsection (a).

**SEC. 578. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT AND REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.**

(a) ASSESSMENT AND REPORT REQUIRED.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

(2) REPORT.—Not later than December 31, 2017, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under this subsection.

(b) ELEMENTS.—The assessment and report under subsection (a) shall address the following:

(1) The differences between each Exceptional Family Member Program of the Armed Forces.

(2) The manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) The extent to which military family members are screened for potential coverage under an Exceptional Family Member Program and the manner of such screening.

(4) The degree to which conditions of military family members who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) The types of services provided to address the needs of military family members who qualify for coverage under an Exceptional Family Member Program.

(6) The extent to which the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to military families with special needs children.

(7) The extent to which the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to military family members with special needs.

(8) The necessity in the Department for an advisory panel on community support for military families members with special needs.

(9) The development and implementation of the uniform policy for the Department regarding families with special needs required by section 1781(c)(e) of title 10, United States Code.

(10) The implementation by each Armed Force of the recommendations in the Government Accountability Report entitled “Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs” (GAO–12–680).

#### SEC. 579. IMPACT AID AMENDMENTS.

(a) MILITARY “BUILD TO LEASE” PROGRAM HOUSING.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806), the amendment made by section 7004(I) of such Act (Public Law 114–95; 129 Stat. 2077)—

(1) for fiscal year 2016—

(A) shall be applied as if amending section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802); and

(B) shall be applicable with respect to appropriations for use under title VIII of the Elementary and Secondary Education Act of 1965 (Public Law 114–95; 129 Stat. 1802); and

(2) for fiscal year 2017 and each succeeding fiscal year, shall be in effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(b) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) AMENDMENT.—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)) is amended to read as follows:

“(I) is a local educational agency—

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

“(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(BB) that has no taxing authority.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of

1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

(c) SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.—

(1) REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

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

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

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

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(d) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

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

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

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

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

(iii) by striking item (bb) and inserting the following:

“(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);”;

(B) in subparagraph (D)—

(i) in clause (i)—

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

(II) in subclause (II)—

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

(bb) by striking “50 percent” and inserting “35 percent”;

(cc) by striking “subsection (a)(1) and not less than 5,000” and inserting the following: “subsection (a)(1) and—

“(aa) not less than 3,500”; and

(dd) by striking “subsection (a)(1).” and inserting the following: “subsection (a)(1); or

“(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).”;

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

“(I) for fiscal year 2016, 1.35;

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

“(III) for fiscal year 2019, 1.40;

“(IV) for fiscal year 2020, 1.42; and

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

(iii) by adding at the end the following:

“(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

“(I) for fiscal year 2016, .20;

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

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

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

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

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

“(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

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

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

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

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) **LOSS OF ELIGIBILITY.**—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic section payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

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

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

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

#### Subtitle I—Decorations and Awards

### SEC. 581. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. “BUD” DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

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

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

### SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR ACTS OF VALOR DURING CERTAIN CONTINGENCY OPERATIONS.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in sections 3744, 6248, and 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award a medal specified in subsection (c) to a member or former member of the Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom’s Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense on January 7, 2016.

(b) **AWARD OF MEDAL OF HONOR.**—If, pursuant to the review referred to in subsection (a), the President decides to award to a member or former member of the Armed Forces the Medal of Honor, the medal may only be awarded after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a letter identifying the intended recipient of the Medal of Honor and the rationale for awarding the Medal of Honor to such intended recipient.

(c) **MEDALS.**—The medals covered by subsection (a) are any of the following:

(1) The Medal of Honor under section 3741, 6241, or 8741 of title 10, United States Code.

(2) The Distinguished-Service Cross under section 3742 of such title.

(3) The Navy Cross under section 6242 of such title.

(4) The Air Force Cross under section 8742 of such title.

(5) The Silver Star under section 3746, 6244, or 8746 of such title.

(d) **TERMINATION.**—No medal may be awarded under the authority of this section after December 31, 2019.

### SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE AND JAMES C. MCCLOUGHAN FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) **GARY M. ROSE.**—

(1) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in paragraph (2).

(2) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in paragraph (1) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

(b) **JAMES C. MCCLOUGHAN.**—

(1) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to James C. McCloughan for the acts of valor described in paragraph (2).

(2) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in paragraph (1) are the actions of James C. McCloughan during combat operations between May 13, 1969, and May 15, 1969, while serving as a Combat Medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam, for which he was previously awarded the Bronze Star Medal with “V” Device.

### SEC. 584. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO FIRST LIEUTENANT MELVIN M. SPRUIELL FOR ACTS OF VALOR DURING WORLD WAR II.

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished-Service Cross under section 3742 of such title to First Lieutenant Melvin M. Spruiell of the Army for the acts of valor during World War II described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of First Lieutenant Melvin M. Spruiell on June 10 and 11, 1944, as a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division.

### SEC. 585. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant) Joseph Verbis LaFleur while interned as a prisoner-of-

war by Japan from December 30, 1941, to September 7, 1944.

### SEC. 586. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS.

(a) **REVIEW REQUIRED.**—The Secretary of each military department shall review the service records of each Asian American and Native American Pacific Islander war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) **COVERED VETERANS.**—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are any former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

(c) **CONSULTATIONS.**—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATIONS BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) **CONGRESSIONAL NOTIFICATION.**—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be awarded a Medal of Honor and the rationale for such recommendation.

(g) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross, Navy Cross, or Air Force Cross has been awarded.

(h) **DEFINITION.**—In this section, the term “Native American Pacific Islander” means a Native Hawaiian or Native American Pacific Islander, as those terms are defined in section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c).

#### Subtitle J—Miscellaneous Reports and Other Matters

### SEC. 591. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

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

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

**SEC. 592. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.**

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

**SEC. 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.**

(a) **REPORTS REQUIRED.**—Not later than April 1, 2017, and each year thereafter through 2020, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

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

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

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

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

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

(5) Reclassification rates and the top three causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and the top five causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(8) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(9) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(10) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

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

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

**SEC. 594. REPORT ON FEASIBILITY OF ELECTRONIC TRACKING OF OPERATIONAL ACTIVE-DUTY SERVICE PERFORMED BY MEMBERS OF THE READY RESERVE OF THE ARMED FORCES.**

Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of establishing an electronic means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The means assessed for purposes of the report shall include a tour calculator that specifies early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under section 12731(f) of such title.

**SEC. 595. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) **ELEMENTS.**—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

**SEC. 596. BODY MASS INDEX TEST.**

(a) **REVIEW REQUIRED.**—Each Secretary of a military department shall review—

(1) the current body mass index test procedure used by each Armed Force under the jurisdiction of that Secretary; and

(2) other methods to measure body fat with a more holistic health and wellness approach.

(b) **ELEMENTS.**—The review required under subsection (a) shall—

(1) address nutrition counseling;

(2) determine the best methods to be used by the Armed Forces to assess body fat percentages; and

(3) improve the accuracy of body fat measurements.

**SEC. 597. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

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

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

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

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

**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. Reports on a new single-salary pay system for members of the Armed Forces.

**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. Aviation incentive pay and bonus matters.

Sec. 617. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.

Sec. 618. Technical amendments relating to 2008 consolidation of certain special pay authorities.

**Subtitle C—Travel and Transportation Allowances**

Sec. 621. Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances.

**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 full Thrift Savings Plan members who have completed 8 to 12 years of service.

Sec. 634. Combat-related special compensation coordinating amendment.

**PART II—OTHER MATTERS**

Sec. 641. Use of member's current pay grade and years of service and retired pay cost-of-living adjustments, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.

Sec. 642. Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive-duty training.

Sec. 643. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.

Sec. 644. 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. 645. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.

Sec. 646. Extension of authority to pay special survivor indemnity allowance under the Survivor Benefit Plan.

Sec. 647. Repeal of obsolete authority for combat-related injury rehabilitation pay.

Sec. 648. Independent assessment of the Survivor Benefit Plan.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.

Sec. 662. Acceptance of Military Star Card at commissaries.

Subtitle F—Other Matters

Sec. 671. Recovery of amounts owed to the United States by members of the uniformed services.

Sec. 672. Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments.

Subtitle A—Pay and Allowances

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

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

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 2.1 percent.

**SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.**

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

**SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

**SEC. 604. REPORTS ON A NEW SINGLE-SALARY PAY SYSTEM FOR MEMBERS OF THE ARMED FORCES.**

(a) **REPORT ON PLAN TO IMPLEMENT NEW PAY STRUCTURE.**—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) The military pay tables as of January 1, 2017, reflecting the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

(2) A comprehensive description of the manner in which the Department of Defense would begin, by not later than January 1, 2018, to implement a transition between the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces as provided for by this section.

(b) **REPORT ON ELEMENTS OF NEW PAY STRUCTURE.**—Not later than January 1, 2018, the Sec-

retary shall submit to the Committees on Armed Services of the Senate and the House of Representative a report that sets forth the following:

(1) A description and comparison of the current pay structure for members of the Armed Forces and a new pay structure for members of the Armed Forces, including new pay tables, that uses a single-salary pay system (as adjusted by the same cost-of-living adjustment that the Department of Defense uses worldwide for civilian employees) based on the assumptions in subsection (c).

(2) A proposal for such legislative and administrative action as the Secretary considers appropriate to implement the new pay structure, and to provide for a transition between the current pay structure and the new pay structure.

(3) A comprehensive schedule for the implementation of the new pay structure and for the transition between the current pay structure and the new pay structure, including all significant deadlines.

(c) **NEW PAY STRUCTURE.**—The new pay structure described pursuant to subsection (b)(1) shall assume the repeal of the basic allowance for housing and basic allowance subsistence for members of the Armed Forces in favor of a single-salary pay system, and shall include the following:

(1) A statement of pay comparability with the civilian sector adequate to effectively recruit and retain a high-quality All-Volunteer Force.

(2) The level of pay necessary by grade and years of service to meet pay comparability as described in paragraph (1) in order to recruit and retain a high-quality All-Volunteer Force.

(3) Necessary modifications to the military retirement system, including the retired pay multiplier, to ensure that members of the Armed Forces under the pay structure are situated similarly to where they would otherwise be under the military retirement system that will take effect on January 1, 2018, by reason part I of subtitle D of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 842), and the amendments made by that part.

(d) **COST CONTAINMENT.**—The single-salary pay system under the new pay structure provided for by this section shall be a single-salary pay system that will result in no or minimal additional costs to the Government, both in terms of annual discretionary outlays and entitlements, when compared with the continuation of the current pay system for members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

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

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

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

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

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

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

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

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

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

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

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

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

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

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

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

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

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

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

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

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

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

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

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

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

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

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

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

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

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

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

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

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

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

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

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

#### SEC. 616. AVIATION INCENTIVE PAY AND BONUS MATTERS.

(a) MAXIMUM INCENTIVE PAY AND BONUS AMOUNTS.—Paragraph (1) of section 334(c) of title 37, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed \$1,000 per month; and

“(B) an aviation bonus under subsection (b) may not exceed \$35,000 for each 12-month period of obligated service agreed to under subsection (d).”

(b) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS.—Such section is further amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) ANNUAL BUSINESS CASE FOR PAYMENT OF AVIATION BONUS AMOUNTS.—

“(A) IN GENERAL.—The Secretary concerned shall determine the amount of the aviation bonus payable under paragraph (1)(B) under agreements entered into under subsection (d) during a fiscal year solely through a business case analysis of the amount required to be paid under such agreements in order to address anticipated manning shortfalls for such fiscal year by aircraft type category.

“(B) BUDGET JUSTIFICATION DOCUMENTS.—The budget justification documents in support of the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105 of title 31) shall set forth for each uniformed service the following:

“(i) The amount requested for the payment of aviation bonuses under subsection (b) using amounts authorized to be appropriated for the fiscal year concerned by aircraft type category.

“(ii) The business case analysis supporting the amount so requested by aircraft type category.

“(iii) For each aircraft type category, whether or not the amount requested will permit the payment during the fiscal year concerned of the maximum amount of the aviation bonus authorized by paragraph (1)(B).

“(iv) If any amount requested is to address manning shortfalls, a description of any plans of the Secretary concerned to address such shortfalls by nonmonetary means.”

#### SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

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

#### SEC. 618. TECHNICAL AMENDMENTS RELATING TO 2008 CONSOLIDATION OF CERTAIN SPECIAL PAY AUTHORITIES.

(a) FAMILY CARE PLANS.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 991 note) is amended by inserting “or 351” after “section 310”.

(b) DEPENDENTS’ MEDICAL CARE.—Section 1079(g)(1) of title 10, United States Code, is

amended by inserting “or 351” after “section 310”.

(c) RETENTION ON ACTIVE DUTY DURING DISABILITY EVALUATION PROCESS.—Section 1218(d)(1) of title 10, United States Code, is amended by inserting “or 351” after “section 310”.

(d) STORAGE SPACE.—Section 362(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2825 note) is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

(e) STUDENT ASSISTANCE PROGRAMS.—Sections 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D)) are amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

(f) ARMED FORCES RETIREMENT HOME.—Section 1512(a)(3)(A) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)(3)(A)) is amended by inserting “or 351” after “section 310”.

(g) VETERANS OF FOREIGN WARS MEMBERSHIP.—Section 230103(3) of title 36, United States Code, is amended by inserting “or 351” after “section 310”.

(h) MILITARY PAY AND ALLOWANCES.—Title 37, United States Code, is amended—

(1) in section 212(a), by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”;

(2) in section 402a(b)(3)(B), by inserting “or 351” after “section 310”;

(3) in section 481a(a), by inserting “or 351” after “section 310”;

(4) in section 907(d)(1)(H), by inserting “or 351” after “section 310”; and

(5) in section 910(b)(2)(B), by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

(i) EXCLUSIONS FROM INCOME FOR PURPOSE OF SUPPLEMENTAL SECURITY INCOME.—Section 1612(b)(20) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

(j) EXCLUSIONS FROM INCOME FOR PURPOSE OF HEAD START PROGRAM.—Section 645(a)(3)(B)(i) of the Head Start Act (42 U.S.C. 9840(a)(3)(B)(i)) is amended by inserting “or 351” after “section 310”.

(k) EXCLUSIONS FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—Section 112(c)(5)(B) of the Internal Revenue Code of 1986 is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

#### Subtitle C—Travel and Transportation Allowances

#### SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF MEMBERS OF THE RESERVES ATTENDING INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

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

(1) by striking “The amount” and inserting the following: “(1) Except as provided by paragraph (2), the amount”; and

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

“(2) The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

“(A) resides—

“(i) in the same State as the training location; and

“(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

“(B) is required to commute to a training location—

“(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

“(ii) from a permanent residence located more than 75 miles from the training location.”

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

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

#### SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

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

(1) in clause (i), by striking “and (iii)” and inserting “, (iii), (iv), and (v)”; and

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

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

“(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers’ Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

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

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

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

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

#### SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

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

#### SEC. 633. CONTINUATION PAY FOR FULL THRIFT SAVINGS PLAN MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Subsection (a) of section 356 of title 37, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and”; and

(2) in paragraph (2), by striking “an additional 4 years” and inserting “not less than 3 additional years”.

(b) PAYMENT AMOUNT.—Subsection (b) of such section is amended by striking all the matter preceding paragraph (1) and inserting the following:

“(b) PAYMENT AMOUNT.—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member’s monthly basic pay. The multiple for a full TSP member who is a member of a regular component or a reserve component, if the member is performing active Guard and Reserve duty

(as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a regular component. The maximum amount the Secretary concerned may pay a member under this section is—”.

(c) **TIMING OF PAYMENT.**—Subsection (d) of such section is amended to read as follows:

“(d) **TIMING OF PAYMENT.**—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service.”.

(d) **CONFORMING AND CLERICAL AMENDMENTS.**—

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

“§356. Continuation pay: full TSP members with 8 to 12 years of service”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

“356. Continuation pay: full TSP members with 8 to 12 years of service.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments providing for section 356 of title 37, United States Code, to which the amendments made by this section relate.

**SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.**

(a) **IN GENERAL.**—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking “2½ percent” and inserting “the retired pay percentage (determined for the member under section 1409(b) of this title)”.

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

**PART II—OTHER MATTERS**

**SEC. 641. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE AND RETIRED PAY COST-OF-LIVING ADJUSTMENTS, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.**

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

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

(2) by inserting “(A)” after “(4)”;

(3) in subparagraph (A), as designated by paragraph (2), by inserting “(as determined pursuant to subparagraph (B))” after “member is entitled”; and

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

“(B) For purposes of subparagraph (A), the total monthly retired pay to which a member is entitled shall be—

“(i) the amount of basic pay payable to the member for the member's pay grade and years of service at the time of the court order, as increased by

“(ii) each cost-of-living adjustment that occurs under section 1401a(b) of this title between the time of the court order and the time of the member's retirement using the adjustment provisions under that section applicable to the member upon retirement.”.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by subsection (a) shall apply

with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

**SEC. 642. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVORS OF RESERVE COMPONENT MEMBERS WHO DIE IN THE LINE OF DUTY DURING INACTIVE-DUTY TRAINING.**

(a) **TREATMENT OF INACTIVE-DUTY TRAINING IN SAME MANNER AS ACTIVE DUTY.**—Section 1451(c)(1)(A) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by inserting “or 1448(f)” after “section 1448(d)”; and

(B) by inserting “or (iii)” after “clause (ii)”; and

(2) in clause (iii)—

(A) by striking “section 1448(f) of this title” and inserting “section 1448(f)(1)(A) of this title by reason of the death of a member or former member not in line of duty”; and

(B) by striking “active service” and inserting “service”.

(b) **CONSISTENT TREATMENT OF DEPENDENT CHILDREN.**—Paragraph (2) of section 1448(f) of title 10, United States Code, is amended to read as follows:

“(2) **DEPENDENT CHILDREN ANNUITY.**—

“(A) **ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.**—In the case of a person described in paragraph (1), the Secretary concerned shall pay an annuity under this subchapter to the dependent children of that person under section 1450(a)(2) of this title as applicable.

“(B) **OPTIONAL ANNUITY WHEN THERE IS AN ELIGIBLE SURVIVING SPOUSE.**—The Secretary may pay an annuity under this subchapter to the dependent children of a person described in paragraph (1) under section 1450(a)(3) of this title, if applicable, instead of paying an annuity to the surviving spouse under paragraph (1), if the Secretary concerned, in consultation with the surviving spouse, determines it appropriate to provide an annuity for the dependent children under this paragraph instead of an annuity for the surviving spouse under paragraph (1).”.

(c) **DEEMED ELECTIONS.**—Section 1448(f) of title 10, United States Code, is further amended by adding at the end the following new paragraph:

“(5) **DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.**—Paragraph (6) of subsection (d) shall apply in the case of a member described in paragraph (1) who dies after November 23, 2003, when no other annuity is payable on behalf of the member under this subchapter.”.

(d) **AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE.**—Section 1450(m)(1)(B) of title 10, United States Code, is amended by inserting “or (f)” after “subsection (d)”.

(e) **APPLICATION OF AMENDMENTS.**—

(1) **PAYMENT.**—No annuity benefit under subchapter II of chapter 73 of title 10, United States Code, shall accrue to any person by reason of the amendments made by this section for any period before the date of the enactment of this Act.

(2) **ELECTIONS.**—For any death that occurred before the date of the enactment of this Act with respect to which an annuity under such subchapter is being paid (or could be paid) to a surviving spouse, the Secretary concerned may, within six months of that date and in consultation with the surviving spouse, determine it appropriate to provide an annuity for the dependent children of the decedent under paragraph 1448(f)(2)(B) of title 10, United States Code, as added by subsection (b), instead of an annuity for the surviving spouse. Any such determination and resulting change in beneficiary shall be effective as of the first day of the first month following the date of the determination.

**SEC. 643. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.**

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

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

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) **DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.**—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person's retired pay for any period cannot be made in the full amount required, there shall be deducted from the person's combat-related special compensation in lieu of deduction from the person's retired pay the amount that would otherwise have been deducted from the person's retired pay for that period.”.

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

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

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

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

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

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

(3) Subsection (g)(4) of such section is amended—

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

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

(c) **CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.**—

(1) Section 1449(b)(2) of such title is amended—

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

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

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

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

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

**SEC. 644. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS' GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.**

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

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

(2) by striking “who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom” and inserting “who serves in a designated duty assignment”; and

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

“(2) In this subsection, the term ‘designated duty assignment’ means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

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

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

(b) **CONFORMING AMENDMENTS.**—

(1) **CROSS-REFERENCE.**—Subsection (b) of such section is amended by striking “theater of operations” and inserting “designated duty assignment”.

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

**“§437. Allowance to cover monthly premiums for Servicemembers’ Group Life Insurance: members serving in a designated duty assignment”.**

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

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

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

**SEC. 645. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.**

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

(1) in subsection (a)—

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

(B) by striking “use or benefit” and all that follows through “any person designated” and inserting the following: “use or benefit to—

“(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;

“(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or

“(3) any person designated”;

(2) in subsection (b)—

(A) by striking “The board shall consist” and inserting “An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting”; and

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

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

(4) in subsection (d), by inserting “, unless a court of competent jurisdiction orders payment of such fee, commission, or other charge” before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting “under subsection (a)(3)” after “who is designated”; and

(B) by striking “\$1,000” and inserting “\$25,000”.

**SEC. 646. EXTENSION OF AUTHORITY TO PAY SPECIAL SURVIVOR INDEMNITY ALLOWANCE UNDER THE SURVIVOR BENEFIT PLAN.**

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

(1) in paragraph (2)(I), by striking “fiscal year 2017” and inserting “each of fiscal years 2017 and 2018”; and

(2) in paragraph (6)—

(A) by striking “September 30, 2017” and inserting “May 31, 2018”; and

(B) by striking “October 1, 2017” both places it appears and inserting “June 1, 2018”.

**SEC. 647. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.**

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

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

**SEC. 648. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.**

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) ASSESSMENT ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available commercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

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

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.**

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

“(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by nonappropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.

“(C) If the Secretary determines that the reduced reliance on appropriated funding pursuant to subparagraph (A) is insufficient to maintain the benefits to the patrons of the defense commissary system, and if the Secretary converts the defense commissary system to a non-appropriated fund entity or instrumentality pursuant to paragraph (1) of section 2484(j) of this title, the Secretary shall transfer appropriated funds pursuant to paragraph (2) of such section to ensure the maintenance of such benefits.

“(4) On not less than a quarterly basis, the Secretary shall provide to the congressional defense committees a briefing on the defense commissary system, including—

“(A) an assessment of the savings the system provides patrons;

“(B) the status of implementing section 2484(i) of this title;

“(C) the status of implementing section 2484(j) of this title, including whether the system requires any appropriated funds pursuant to paragraph (2) of such section;

“(D) the status of carrying out a program for such system to sell private label merchandise; and

“(E) any other matters the Secretary considers appropriate.”.

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

(c) VARIABLE PRICING PILOT PROGRAM.—Section 2484 of such title is amended by adding at the end the following new subsections:

“(i) VARIABLE PRICING PROGRAM.—(1) Notwithstanding subsection (e), and subject to subsection (k), the Secretary of Defense may establish a variable pricing program pursuant to which prices may be established in response to market conditions and customer demand, in accordance with the requirements of this subsection. Notwithstanding the amount of the uniform surcharge assessed in subsection (d), the Secretary may provide for an alternative surcharge of not more than five percent of sales proceeds under the variable pricing program to be made available for the purposes specified in subsection (h).

“(2) Subject to subsection (k), before establishing a variable pricing program under this subsection, the Secretary shall establish the following:

“(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

“(B) A baseline of overall savings to patrons achieved by commissary stores prior to the initiation of the variable pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods.

“(3) The Secretary shall ensure that the defense commissary system implements the variable pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the variable pricing program achieves overall savings to patrons that are consistent with the baseline savings established for the relevant region pursuant to such paragraph.

“(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) Subject to subsection (k), if the Secretary of Defense determines that the variable pricing program has met the benchmarks for success established pursuant to paragraph (2)(A) of subsection (i) and the savings requirements established pursuant to paragraph (3) of such subsection over a period of at least six months, the Secretary may convert the defense commissary system to a non-appropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title.

The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

“(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is likely to incur a loss in any fiscal year as a result of compliance with the savings requirement established in subsection (i), the Secretary shall authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

“(3)(A) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality.

“(B) The status and conversion of employees in a position identified by the Secretary under subparagraph (A) shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs, including with respect to requiring the consent of such employee to be so converted.

“(C) No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of a conversion made under this paragraph.

“(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED BENEFIT TO PATRONS.—(1) With respect to each action described in paragraph (2), the Secretary of Defense may not carry out such action until—

“(A) the Secretary provides to the congressional defense committees a briefing on such action, including a justification for such action; and

“(B) a period of 30 days has elapsed following such briefing.

“(2) The actions described in this paragraph are the following:

“(A) Establishing the representative market basket of goods pursuant to subsection (i)(2)(B).

“(B) Establishing the variable pricing program under subsection (i)(1).

“(C) Converting the defense commissary system to a nonappropriated fund entity or instrumentality under subsection (j)(1).”

(d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is amended—

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

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

“(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

“(A) to exploit synergies between the defense commissary system and the exchange system; and

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

“(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements—

“(A) for products and services that are shared by the defense commissary system and the exchange system; and

“(B) for the acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

“(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

“(A) use funds appropriated pursuant to section 2483 of this title to reimburse a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity

or instrumentality that is attributable to the defense commissary system; and

“(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the defense commissary system that is attributable to the nonappropriated fund entity or instrumentality.”

(e) AUTHORITY FOR EXPERT COMMERCIAL ADVICE.—Section 2485 of such title is amended by adding at the end the following new subsection:

“(i) EXPERT COMMERCIAL ADVICE.—The Secretary of Defense may enter into a contract with an entity to obtain expert commercial advice, commercial assistance, or other similar services not otherwise carried out by the Defense Commissary Agency, to implement section 2481(c), subsections (i) and (j) of section 2484, and section 2487(c) of this title.”

(f) CLARIFICATION OF REFERENCES TO “THE EXCHANGE SYSTEM”.—Section 2481(a) of such title is amended by adding at the end the following new sentence: “Any reference in this chapter to ‘the exchange system’ shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a worldwide system of exchange stores.”

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

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(h) CONFORMING CHANGE.—Section 2643(b) of such title is amended by adding at the end the following new sentence: “Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.”

#### SEC. 662. ACCEPTANCE OF MILITARY STAR CARD AT COMMISSARIES.

(a) IN GENERAL.—The Secretary of Defense shall ensure that—

(1) commissary stores accept as payment the Military Star Card; and

(2) any financial liability of the United States relating to such acceptance as payment be assumed by the Army and Air Force Exchange Service.

(b) MILITARY STAR CARD DEFINED.—In this section, the term “Military Star Card” means a credit card administered under the Exchange Credit Program by the Army and Air Force Exchange Service.

#### Subtitle F—Other Matters

#### SEC. 671. RECOVERY OF AMOUNTS OWED TO THE UNITED STATES BY MEMBERS OF THE UNIFORMED SERVICES.

(a) STATUTE OF LIMITATIONS.—Section 1007(c)(3) of title 37, United States Code, is amended by adding at the end the following new subparagraphs:

“(C)(i) In accordance with clause (ii), if the indebtedness of a member of the uniformed services to the United States occurs, through no fault of the member, as a result of the overpayment of pay or allowances to the member or upon the settlement of the member’s accounts, the Secretary concerned may not recover the indebtedness from the member, including a retired or former member, using deductions from the pay of the member, deductions from retired or separation pay, or any other collection method

unless recovery of the indebtedness commences before the end of the 10-year period beginning on the date on which the indebtedness was incurred.

“(ii) Clause (i) applies with respect to indebtedness incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

“(D)(i) Not later than January 1 of each of 2017 through 2027, the Director of the Defense Finance and Accounting Service shall review all cases occurring during the 10-year period prior to the date of the review of indebtedness of a member of the uniformed services, including a retired or former member, to the United States in which—

“(I) the recovery of the indebtedness commenced after the end of the 10-year period beginning on the date on which the indebtedness was incurred; or

“(II) the Director did not otherwise notify the member of such indebtedness during such 10-year period.

“(ii) The Director shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the House of Representatives and the Senate each review conducted under clause (i), including the amounts owed to the United States by the members included in such review.”

(b) REMISSION OR CANCELLATION OF INDEBTEDNESS OF RESERVES NOT ON ACTIVE DUTY.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking “on active duty as a member of the Army” and inserting “as a member of the Army, whether as a regular or a reserve in active status”.

(2) NAVY.—Section 6161(a) of such title is amended by striking “on active duty as a member of the naval service” and inserting “as a member of the naval service, whether as a regular or a reserve in active status”.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking “on active duty as a member of the Air Force” and inserting “as a member of the Air Force, whether as a regular or a reserve in active status”.

(4) COAST GUARD.—Section 461(1) of title 14, United States Code, is amended by striking “on active duty as a member of the Coast Guard” and inserting “as a member of the Coast Guard, whether as a regular or a reserve in active status”.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to debt incurred on or after October 7, 2001.

(c) BENEFITS PAID TO MEMBERS OF CALIFORNIA NATIONAL GUARD.—

(1) REVIEW OF CERTAIN BENEFITS PAID.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments that were paid to members of the National Guard of the State of California during the period beginning on January 1, 2004, and ending on December 31, 2015.

(B) EXCEPTION.—A review is not required under this paragraph for benefits paid as described in subparagraph (A) that were reviewed before the date of the enactment of this Act and in which fraud or other ineligibility was identified in connection with payment.

(C) CONDUCT OF REVIEW.—The Secretary shall establish a process to expedite the review required by this paragraph. The Secretary shall allocate appropriate personnel and other resources of the Department of Defense for the process, and for such other purposes as the Secretary considers appropriate, in order to achieve the completion of the review by the date specified in subparagraph (D).

(D) COMPLETION.—The review required by this paragraph shall be completed by not later than July 30, 2017.

(2) REVIEW.—

(A) IN GENERAL.—In conducting the review of benefits paid to members of the National Guard

of the State of California pursuant to paragraph (1), the board of review concerned shall—

(i) carry out a complete review of all bonus pay and special pay contracts awarded to such members during the period described in paragraph (1)(A) for which the Department has reason to believe a recoupment of pay may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of pay for which members were eligible;

(ii) carry out a complete review of all student loan repayment contracts awarded to such members during the period for which the Department has reason to believe a recoupment of payment may be warranted in order to determine whether such members were eligible for the contracts so awarded and whether the contracts so awarded accurately specified the amounts of payment for which members were eligible;

(iii) carry out a complete review of any other similar special payments paid to such members during the period for which the Department has reason to believe a recoupment of payments may be warranted in order to determine whether such members were eligible for payment and in such amount;

(iv) if any member is determined not to have been eligible for a bonus pay, special pay, student loan repayment, or other special payment paid, determine whether waiver of recoupment is warranted; and

(v) if any bonus pay, special pay, student loan repayment, or other special payment paid to any such member during the period has been recouped, determine whether the recoupment was unwarranted.

(B) **WAIVER OF RECOUPMENT.**—For purposes of clause (iv) of subparagraph (A), the board of review shall determine that waiver of recoupment is warranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment otherwise subject to recoupment.

(C) **PROPRIETY OF RECOUPMENT.**—For purposes of clause (v) of subparagraph (A), the board of review shall determine that recoupment was unwarranted with respect to a particular member unless the board makes an affirmative determination, by a preponderance of the evidence, that the member knew or reasonably should have known that the member was ineligible for the bonus pay, special pay, student loan repayment, or other special payment recouped.

(D) **STANDARD OF REVIEW.**—In applying subparagraph (B) or (C) in making a determination under clause (iv) or (v) of subparagraph (A), as applicable, with respect to a member, the board of review shall evaluate the evidence in a light most favorable to the member.

(3) **PARTICIPATION OF MEMBERS.**—

(A) **IN GENERAL.**—A member subject to a determination under clause (iv) or (v) of paragraph (2)(A) may submit to the board of review concerned such documentary and other evidence as the member considers appropriate to assist the board of review in the determination.

(B) **NOTICE.**—The Secretary shall notify, in writing, each member subject to a determination under clause (iv) or (v) of paragraph (2)(A) of the review under paragraph (1) and the applicability of the determination process under such clause to such member. The notice shall be provided at a time designed to give each member a reasonable opportunity to submit documentary and other evidence as authorized by subparagraph (A). The notice shall provide each member the following:

(i) Notice of the opportunity for such member to submit evidence to assist the board of review.

(ii) A description of resources available to such member to submit such evidence.

(C) **CONSIDERATION.**—In making a determination under clause (iv) or (v) of paragraph (2)(A) with respect to a member, the board of review shall undertake a comprehensive review of any submissions made by the member pursuant to this paragraph.

(4) **ACTIONS FOLLOWING REVIEW.**—

(A) **WAIVER OF RECOUPMENT.**—Upon completion of a review pursuant to paragraph (2)(A)(iv) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recoupment of the bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be waived; and

(ii) the Secretary may waive recoupment of the pay, repayment, or other payment from the member.

(B) **REPAYMENT OF AMOUNT RECOUPED.**—Upon completion of a review pursuant to paragraph (2)(A)(v) with respect to a member—

(i) the board of review shall submit to the Secretary concerned a notice setting forth—

(I) the determination of the board pursuant to that paragraph with respect to the member; and

(II) the recommendation of the board whether or not the recouped bonus pay, special pay, student loan repayment, or other special payment covered by the determination should be repaid to the member; and

(ii) the Secretary may repay the member the amount so recouped.

(C) **CONSUMER CREDIT AND RELATED MATTERS.**—If the Secretary concerned waives recoupment of a bonus pay, special pay, student loan repayment, or other special payment paid a member pursuant to paragraph (4)(A)(ii), or repays a member an amount of a bonus pay, special pay, student loan repayment, or other special payment recouped pursuant to paragraph (4)(B)(ii), the Secretary shall—

(i) in the event the Secretary had previously notified a consumer reporting agency of the existence of the debt subject to the relief granted the member pursuant to this paragraph, notify such consumer reporting agency that such debt was never valid; and

(ii) if the member is experiencing or has experienced financial hardship as a result of the actions of the United States to obtain recoupment of such debt, assist the member, to the extent practicable, in addressing such financial hardship in accordance with such mechanisms as the Secretary shall develop for purposes of this clause.

(D) **EFFECT OF CONSUMER CREDIT NOTIFICATION.**—A consumer reporting agency notified of the invalidity of a debt pursuant to subparagraph (C)(i) may not, after the date of the notice, make any consumer report containing any information relating to the debt.

(E) **DEFINITIONS.**—In this paragraph, the terms “consumer reporting agency” and “consumer report” have the meaning given such terms in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(5) **FUNDING.**—Amounts for activities under this subsection, including for the conduct of the review required by paragraph (1), for activities in connection with the review, for repayments pursuant to paragraph (4)(B), and for activities under paragraph (4)(C), shall be derived from amounts available for the National Guard of the United States for the State of California.

(6) **SECRETARY OF DEFENSE REPORT.**—

(A) **IN GENERAL.**—Not later than August 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted pursuant to paragraph (1).

(B) **ELEMENTS.**—The report under this paragraph shall include the following:

(i) The total amount of bonus pays, special pays, student loan repayments, and other spe-

cial pays paid to members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(ii) The number of bonus pay and special pay contracts reviewed pursuant to paragraph (2)(A)(i), and the amounts of such pays paid under each such contract.

(iii) The number of student loan repayment contracts reviewed pursuant to paragraph (2)(A)(ii), and the amounts of such payments made pursuant to each such contract.

(iv) The number of other special pay payments reviewed pursuant to paragraph (2)(A)(iii), and the amounts of such payments made to each particular member so paid.

(v) The number of bonus pay and special pay contracts, student loan repayments, and other special pay payments that were determined pursuant to the review to be paid in error, and the total amount, if any, recouped from each member concerned.

(vi) Any additional fraud or other ineligibility identified in the course of the review in the payment of bonus pays, special pays, student loan repayments, and other special pays paid to the members of the National Guard of the State of California during the period beginning on September 1, 2001, and ending on December 31, 2015.

(7) **COMPTROLLER GENERAL REPORT.**—

(A) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions of the National Guard of the State of California relating to the payment of bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

(B) **ELEMENTS.**—The report under this paragraph shall include the following:

(i) An assessment whether the National Guard of the State of California and the National Guard Bureau have established policies and procedures that will minimize the chance of improper payment of such pays and repayments and of managerial abuse in the payment of such pays and repayments.

(ii) An assessment whether the procedures, processes, and resources of the Defense Finance and Accounting Service and the Defense Office of Hearings and Appeals were appropriate to identify and respond to fraud or other ineligibility in connection with the payment of such pays and repayments, and to do so in a timely manner.

(iii) Any recommendations the Comptroller General considers appropriate to streamline the procedures and processes for the waiver of recoupment of the payment of such pays and repayments by the United States when recoupment is unwarranted.

**SEC. 672. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.**

(a) **MODIFICATION OF FLAT RATE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) **APPLICABILITY.**—The Secretary concerned may exercise the authority provided pursuant to

paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) *DELEGATION OF AUTHORITY.*—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to an officer at the level of lieutenant general or vice admiral, or above. Such authority may not be delegated to an officer below that level.

(c) *WAIVER OF COLLECTION OF RECEIPTS.*—The Secretary concerned or an officer to whom the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers on long-term temporary duty assignments for the purpose of receiving the full per diem rate pursuant to subsection (a) if the Secretary concerned or officer, as described in subsection (b), personally certifies that requiring travelers to submit receipts for that purpose will negatively affect mission performance or create an undue administrative burden.

(d) *SECRETARY CONCERNED DEFINED.*—In this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 37, United States Code.

#### **TITLE VII—HEALTH CARE PROVISIONS**

##### *Subtitle A—Reform of TRICARE and Military Health System*

- Sec. 701. TRICARE Select and other TRICARE reform.
- Sec. 702. Reform of administration of the Defense Health Agency and military medical treatment facilities.
- Sec. 703. Military medical treatment facilities.
- Sec. 704. Access to urgent and primary care under TRICARE program.
- Sec. 705. Value-based purchasing and acquisition of managed care support contracts for TRICARE program.
- Sec. 706. Establishment of high performance military-civilian integrated health delivery systems.
- Sec. 707. Joint Trauma System.
- Sec. 708. Joint Trauma Education and Training Directorate.
- Sec. 709. Standardized system for scheduling medical appointments at military treatment facilities.

##### *Subtitle B—Other Health Care Benefits*

- Sec. 711. Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty.
- Sec. 712. Continuity of health care coverage for Reserve Components.
- Sec. 713. Provision of hearing aids to dependents of retired members.
- Sec. 714. Coverage of medically necessary food and vitamins for certain conditions under the TRICARE program.
- Sec. 715. Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program.
- Sec. 716. Applied behavior analysis.
- Sec. 717. Evaluation and treatment of veterans and civilians at military treatment facilities.
- Sec. 718. Enhancement of use of telehealth services in military health system.
- Sec. 719. Authorization of reimbursement by Department of Defense to entities carrying out State vaccination programs for costs of vaccines provided to covered beneficiaries.

##### *Subtitle C—Health Care Administration*

- Sec. 721. Authority to convert military medical and dental positions to civilian medical and dental positions.
- Sec. 722. Prospective payment of funds necessary to provide medical care for the Coast Guard.

Sec. 723. Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime.

Sec. 724. Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs.

Sec. 725. Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers.

Sec. 726. Program to eliminate variability in health outcomes and improve quality of health care services delivered in military medical treatment facilities.

Sec. 727. Acquisition strategy for health care professional staffing services.

Sec. 728. Adoption of core quality performance metrics.

Sec. 729. Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries.

Sec. 730. Accountability for the performance of the military health system of certain leaders within the system.

Sec. 731. Establishment of advisory committees for military treatment facilities.

##### *Subtitle D—Reports and Other Matters*

Sec. 741. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and report on implementation of information technology capabilities.

Sec. 742. Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces.

Sec. 743. Pilot program for prescription drug acquisition cost parity in the TRICARE pharmacy benefits program.

Sec. 744. Pilot program on display of wait times at urgent care clinics and pharmacies of military medical treatment facilities.

Sec. 745. Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress.

Sec. 746. Department of Defense study on preventing the diversion of opioid medications.

Sec. 747. Incorporation into survey by Department of Defense of questions on experiences of members of the Armed Forces with family planning services and counseling.

Sec. 748. 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. 749. Oversight of graduate medical education programs of military departments.

Sec. 750. Study on health of helicopter and tiltrotor pilots.

Sec. 751. Comptroller General reports on health care delivery and waste in military health system.

##### **Subtitle A—Reform of TRICARE and Military Health System**

#### **SEC. 701. TRICARE SELECT AND OTHER TRICARE REFORM.**

(a) *ESTABLISHMENT OF TRICARE SELECT.*—

(1) *IN GENERAL.*—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

#### **“§ 1075. TRICARE Select**

“(a) *ESTABLISHMENT.*—(1) Not later than January 1, 2018, the Secretary of Defense shall establish a self-managed, preferred-provider network option under the TRICARE program. Such option shall be known as ‘TRICARE Select’.

“(2) The Secretary shall establish TRICARE Select in all areas. Under TRICARE Select, eligible beneficiaries will not have restrictions on the freedom of choice of the beneficiary with respect to health care providers.

“(b) *ENROLLMENT ELIGIBILITY.*—(1) The beneficiary categories for purposes of eligibility to enroll in TRICARE Select and cost-sharing requirements applicable to such category are as follows:

“(A) An ‘active-duty family member’ category that consists of beneficiaries who are covered by section 1079 of this title (as dependents of active duty members).

“(B) A ‘retired’ category that consists of beneficiaries covered by subsection (c) of section 1086 of this title, other than Medicare-eligible beneficiaries described in subsection (d)(2) of such section.

“(C) A ‘reserve and young adult’ category that consists of beneficiaries who are covered by—

“(i) section 1076d of this title;

“(ii) section 1076e; or

“(iii) section 1110b.

“(2) A covered beneficiary who elects to participate in TRICARE Select shall enroll in such option under section 1099 of this title.

“(c) *COST-SHARING REQUIREMENTS.*—The cost-sharing requirements under TRICARE Select are as follows:

“(1) With respect to beneficiaries in the active-duty family member category or the retired category by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1).

“(2)(A) Except as provided by subsection (e), with respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category, the cost-sharing requirements shall be calculated as if the beneficiary were enrolled in TRICARE Extra or TRICARE Standard as if TRICARE Extra or TRICARE Standard, as the case may be, were still being carried out by the Secretary.

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

“(3) With respect to beneficiaries in the reserve and young adult category, the cost-sharing requirements shall be calculated pursuant to subsection (d)(1) as if the beneficiary were in the active-duty family member category or the retired category, as applicable, except that the premiums calculated pursuant to section 1076d, 1076e, or 1110b of this title, as the case may be, shall apply instead of any enrollment fee required under this section.

“(d) *COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES.*—(1) Beneficiaries described in subsection (c)(1) enrolled in TRICARE Select shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

<b>“TRICARE Select</b>	<b>Active-Duty Family Member (Individual/Family)</b>	<b>Retired (Individual/Family)</b>
<b>Annual Enrollment</b>	\$0	\$450 / \$900
<b>Annual deductible</b>	E4 & below: \$50 / \$100 E5 & above: \$150 / \$300	\$150 / \$300 Network \$300 / \$600 out of network
<b>Annual catastrophic cap</b>	\$1,000	\$3,500
<b>Outpatient visit civilian network</b>	\$15 primary care \$25 specialty care  Out of network: 20%	\$25 primary care \$40 specialty care  25% of out of network
<b>ER visit civilian network</b>	\$40 network 20% out of network	\$80 network 25% out of network
<b>Urgent care civilian network</b>	\$20 network 20% out of network	\$40 network 25% out of network
<b>Ambulatory surgery civilian network</b>	\$25 network 20% out of network	\$95 network 25% out of network
<b>Ambulance civilian network</b>	\$15	\$60
<b>Durable medical equipment civilian network</b>	10% of negotiated fee	20% network
<b>Inpatient visit civilian network</b>	\$60 per network admission  20% out of network	\$175 per admission network  25% out of network
<b>Inpatient skilled nursing/rehab civilian</b>	\$25 per day network \$50 per day out of network	\$50 per day network Lesser of \$300 per day or 20% of billed charges out of network

“(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1), and the amounts specified under paragraphs (1) and (2) of subsection (e), shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of \$1. The remaining amount above such multiple of \$1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

“(e) EXCEPTIONS TO CERTAIN COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR TO 2018.—(1) Subject to paragraph (4), and in accordance with subsection (d)(2), the Secretary shall establish an annual enrollment fee for beneficiaries described in subsection (c)(2)(B) in the retired category who enroll in TRICARE Select (other than such beneficiaries covered by paragraph (3)). Such enrollment fee shall be \$150 for an individual and \$300 for a family.

“(2) For the calendar year for which the Secretary first establishes the annual enrollment fee under paragraph (1), the Secretary shall adjust the catastrophic cap amount to be \$3,500 for beneficiaries described in subsection (c)(2)(B) in the retired category who are enrolled in

TRICARE Select (other than such beneficiaries covered by paragraph (3)).

“(3) The enrollment fee established pursuant to paragraph (1) and the catastrophic cap adjusted under paragraph (2) for beneficiaries described in subsection (c)(2)(B) in the retired category shall not apply with respect to the following beneficiaries:

“(A) Retired members and the family members of such members covered by paragraph (1) of section 1086(c) of this title by reason of being retired under chapter 61 of this title or being a dependent of such a member.

“(B) Survivors covered by paragraph (2) of such section 1086(c).

“(4) The Secretary may not establish an annual enrollment fee under paragraph (1) until 90 days has elapsed following the date on which the Comptroller General of the United States is required to submit the review under paragraph (5).

“(5) Not later than February 1, 2020, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the following:

“(A) Whether health care coverage for covered beneficiaries has changed since the enactment of this section.

“(B) Whether covered beneficiaries are able to obtain appointments for health care according to the access standards established by the Secretary of Defense.

“(C) The percent of network providers that accept new patients under the TRICARE program.

“(D) The satisfaction of beneficiaries under TRICARE Select.

“(f) EXCEPTION TO COST-SHARING REQUIREMENTS FOR TRICARE FOR LIFE BENEFICIARIES.—A beneficiary enrolled in TRICARE for Life is subject to cost-sharing requirements pursuant to section 1086(d)(3) of this title and calculated as if the beneficiary were enrolled in TRICARE Standard as if TRICARE Standard were still being carried out by the Secretary.

“(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the availability of TRICARE Prime and TRICARE for Life or the cost-sharing requirements for TRICARE for Life under section 1086(d)(3) of this title.

“(h) DEFINITIONS.—In this section:

“(1) The terms ‘active-duty family member category’, ‘retired category’, and ‘reserve and young adult category’ mean the respective categories of TRICARE Select enrollment described in subsection (b).

“(2) The term ‘network’ means—

“(A) with respect to health care services, such services provided to beneficiaries by TRICARE-authorized civilian health care providers who have entered into a contract under this chapter with a contractor under the TRICARE program; and

“(B) with respect to providers, civilian health care providers who have agreed to accept a pre-

negotiated rate as the total charge for services provided by the provider and to file claims for beneficiaries.

“(3) The term ‘out-of-network’ means, with respect to health care services, such services provided by TRICARE-authorized civilian providers who have not entered into a contract under this chapter with a contractor under the TRICARE program.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1074n, the following new item:

“1075. TRICARE Select.”

(b) TRICARE PRIME COST SHARING.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1075, as added by subsection (a), the following new section:

**“§ 1075a. TRICARE Prime: cost sharing**

“(a) COST-SHARING REQUIREMENTS.—The cost-sharing requirements under TRICARE Prime are as follows:

“(1) There are no cost-sharing requirements for beneficiaries who are covered by section 1074(a) of this title.

“(2) With respect to beneficiaries in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title) by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (b)(1).

“(3)(A) With respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category (as de-

scribed in section 1075(b)(1) of this title), the cost-sharing requirements shall be calculated in accordance with the other provisions of this chapter without regard to subsection (b).

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

“(b) COST-SHARING AMOUNTS.—(1) Beneficiaries described in subsection (a)(2) enrolled in TRICARE Prime shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

<b>“TRICARE Prime</b>	<b>Active-Duty Family Member (Individual/Family)</b>	<b>Retired (Individual/Family)</b>
Annual Enrollment	\$0	\$350 / \$700
Annual deductible	No	No
Annual catastrophic cap	\$1,000	\$3,500
Outpatient visit civilian network	\$0	\$20 primary care
		\$30 specialty care
ER visit civilian network	\$0	\$60 network
Urgent care civilian network	\$0	\$30 network
Ambulatory surgery civilian network	\$0	\$60 network
Ambulance civilian network	\$0	\$40
Durable medical equipment civilian network	\$0	20% of negotiated fee, network
Inpatient visit civilian network	\$0	\$150 per admission
Inpatient skilled nursing/rehab civilian	\$0	\$30 per day network

“(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of \$1. The remaining amount above such multiple of \$1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.

“(c) SPECIAL RULE FOR AMOUNTS WITHOUT REFERRALS.—Notwithstanding subsection (b)(1), the cost-sharing amount for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) of section 1075f(a) of this title (or a waiver pursuant to paragraph (2) of such section for such care) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10,

United States Code, is amended by inserting after the item relating to section 1075, as added by subsection (a), the following new item:

“1075a. TRICARE Prime: cost sharing.”

(c) REFERRALS AND PREAUTHORIZATION FOR TRICARE PRIME.—Section 1095f of title 10, United States Code, is amended to read as follows:

**“§ 1095f. TRICARE program: referrals and preauthorizations under TRICARE Prime**

“(a) REFERRALS.—(1) Except as provided by paragraph (2), 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.

“(2) The Secretary may waive the referral requirement in paragraph (1) in such circumstances as the Secretary may establish for purposes of this subsection.

“(3) The cost-sharing amounts for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care under paragraph (1) (or a waiver pursuant to paragraph (2) for such care) shall be determined under section 1075a(c) of this title.

“(b) **PREAUTHORIZATION.**—A beneficiary enrolled in TRICARE Prime shall be required to obtain preauthorization only with respect to a referral for the following:

“(1) Inpatient hospitalization.

“(2) Inpatient care at a skilled nursing facility.

“(3) Inpatient care at a rehabilitation facility.

“(c) **PROHIBITION REGARDING PRIOR AUTHORIZATION FOR CERTAIN REFERRALS.**—The Secretary of Defense shall ensure that no contract for managed care support under the TRICARE program includes any requirement that a managed care support contractor require a primary care or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.”

(d) **ENROLLMENT PERIODS.**—

(1) **ANNUAL PERIODS AND QUALIFYING EVENTS.**—Section 1099(b) of title 10, United States Code, is amended by amending paragraph (1) to read as follows:

“(1) allow covered beneficiaries to elect to enroll in a health care plan, or modify a previous election, from eligible health care plans designated by the Secretary of Defense during—

“(A) an annual open enrollment period; and

“(B) any period based on a qualifying event experienced by the beneficiary, as determined appropriate by the Secretary; or”.

(2) **APPLICATION.**—The Secretary of Defense shall implement the initial annual open enrollment period pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), during 2018.

(3) **GRACE PERIOD DURING FIRST YEAR.**—

(A) At any time during the one-year period beginning on the date on which the initial annual open enrollment period begins pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1), a covered beneficiary may make an election, or modify such an election, described in such section.

(B) If during such one-year period an individual who is eligible to enroll in the TRICARE program, but does not elect to enroll in such program, receives health care services for an episode of care that would be covered under the TRICARE program if such individual were enrolled in the TRICARE program, the Secretary—

(i) shall pay the out-of-network fees only for the first episode of care and inform the individual of the opportunity to enroll in the TRICARE program; and

(ii) may not pay any costs relating to any subsequent episode of care if such individual is not enrolled in the TRICARE program.

(4) **TRANSITION PLAN.**—Not later than March 1, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the transition plan of the Department of Defense for implementing an annual enrollment period for TRICARE Prime and TRICARE Select pursuant to section 1099(b)(1) of title 10, United States Code, as amended by paragraph (1). Such plan shall include strategies to notify each beneficiary of the changes to the TRICARE options and the changes to the enrollment process.

(e) **TERMINATION OF TRICARE STANDARD AND TRICARE EXTRA.**—Beginning on January 1, 2018, the Secretary of Defense may not carry out TRICARE Standard and TRICARE Extra under the TRICARE program. The Secretary shall en-

sure that any individual who is covered under TRICARE Standard or TRICARE Extra as of December 31, 2017, enrolls in TRICARE Prime or TRICARE Select, as the case may be, as of January 1, 2018, for the individual to continue coverage under the TRICARE program.

(f) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Not later than June 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to improve access to health care for TRICARE beneficiaries pursuant to the amendments made by this section.

(2) **ELEMENTS.**—The plan under paragraph (1) shall—

(A) ensure that at least 85 percent of the beneficiary population under TRICARE Select is covered by the network by January 1, 2018;

(B) ensure access standards for appointments for health care that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary;

(C) establish mechanisms for monitoring compliance with access standards;

(D) establish health care provider-to-beneficiary ratios;

(E) monitor on a monthly basis complaints by beneficiaries with respect to network adequacy and the availability of health care providers;

(F) establish requirements for mechanisms to monitor the responses to complaints by beneficiaries;

(G) establish mechanisms to evaluate the quality metrics of the network providers established under section 728;

(H) include any recommendations for legislative action the Secretary determines necessary to carry out the plan; and

(I) include any other elements the Secretary determines appropriate.

(g) **GAO REVIEWS.**—

(1) **IMPLEMENTATION PLAN.**—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the implementation plan of the Secretary under paragraph (1) of subsection (f), including an assessment of the adequacy of the plan in meeting the elements specified in paragraph (2) of such subsection.

(2) **NETWORK.**—Not later than September 1, 2017, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the network established under TRICARE Extra, including the following:

(A) An identification of the percent of beneficiaries who are covered by the network.

(B) An assessment of the extent to which beneficiaries are able to obtain appointments under TRICARE Extra.

(C) The percent of network providers under TRICARE Extra that accept new patients under the TRICARE program.

(D) An assessment of the satisfaction of beneficiaries under TRICARE Extra.

(h) **PILOT PROGRAM ON INCORPORATION OF VALUE-BASED HEALTH CARE IN PURCHASED CARE COMPONENT OF TRICARE PROGRAM.**—

(1) **IN GENERAL.**—Not later than January 1, 2018, the Secretary of Defense shall carry out a pilot program to demonstrate and assess the feasibility of incorporating value-based health care methodology in the purchased care component of the TRICARE program by reducing copayments or cost shares for targeted populations of covered beneficiaries in the receipt of high-value medications and services and the use of high-value providers under such purchased care component, including by exempting certain services from deductibility requirements.

(2) **REQUIREMENTS.**—In carrying out the pilot program under paragraph (1), the Secretary shall—

(A) identify each high-value medication and service that is covered under the purchased care component of the TRICARE program for which

a reduction or elimination of the copayment or cost share for such medication or service would encourage covered beneficiaries to use the medication or service;

(B) reduce or eliminate copayments or cost shares for covered beneficiaries to receive high-value medications and services;

(C) reduce or eliminate copayments or cost shares for covered beneficiaries to receive health care services from high-value providers;

(D) credit the amount of any reduction or elimination of a copayment or cost share under subparagraph (B) or (C) for a covered beneficiary towards meeting a deductible applicable to the covered beneficiary in the purchased care component of the TRICARE program to the same extent as if such reduction or elimination had not applied; and

(E) develop a process to reimburse high-value providers at rates higher than those rates for health care providers that are not high-value providers.

(3) **REPORT ON VALUE-BASED HEALTH CARE METHODOLOGY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the following:

(A) A list of each high-value medication and service identified under paragraph (2)(A) for which the copayment or cost share amount will be reduced or eliminated under the pilot program to encourage covered beneficiaries to use such medications and services through the purchased care component of the TRICARE program.

(B) For each high-value medication and service identified under paragraph (2)(A), the amount of the copayment or cost share required under the purchased care component of the TRICARE program and the amount of any reduction or elimination of such copayment or cost share pursuant to the pilot program.

(C) A description of a plan to identify and communicate to covered beneficiaries, through multiple communication media—

(i) the list of high-value medications and services described in subparagraph (A); and

(ii) a list of high-value providers.

(D) A description of modifications, if any, to existing health care contracts that may be required to implement value-based health care methodology in the purchased care component of the TRICARE program under the pilot program and the estimated costs of those contract modifications.

(4) **COMPTROLLER GENERAL PRELIMINARY REVIEW AND ASSESSMENT.**—

(A) Not later than March 1, 2021, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the preliminary results of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes;

(IV) reduction of number of emergency room visits or hospitalizations; and

(V) enhancement of experience of care for covered beneficiaries.

(iii) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for beneficiaries as the Comptroller General considers appropriate.

(5) **REVIEW AND ASSESSMENT OF PILOT PROGRAM.**—

(A) Not later than January 1, 2023, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review and assessment of the pilot program.

(B) The review and assessment required under subparagraph (A) shall include the following:

(i) An assessment of the extent of the use of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(ii) An analysis demonstrating how reducing or eliminating the copayment or cost share for each high-value medication and service identified under paragraph (2)(A) resulted in—

(I) increased adherence to medication regimens;

(II) improvement of quality measures;

(III) improvement of health outcomes; and

(IV) enhancement of experience of care for covered beneficiaries.

(iii) A cost-benefit analysis of the implementation of value-based health care methodology in the purchased care component of the TRICARE program under the pilot program.

(iv) Such recommendations for incentivizing the use of high-value medications and services to improve health outcomes and the experience of care for covered beneficiaries as the Secretary considers appropriate.

(6) **TERMINATION.**—The Secretary may not carry out the pilot program after December 31, 2022.

(i) **DEFINITIONS.**—In this section:

(1) The terms “uniformed services”, “covered beneficiary”, “TRICARE Extra”, “TRICARE for Life”, “TRICARE Prime”, and “TRICARE Standard”, have the meaning given those terms in section 1072 of title 10, United States Code, as amended by subsection (j).

(2) The term “TRICARE Select” means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of such title, as added by subsection (a).

(3) The term “chronic conditions” includes diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, and such other diseases or conditions as the Secretary considers appropriate.

(4) The term “high-value medications and services” means prescription medications and clinical services for the management of chronic conditions that the Secretary determines would improve health outcomes and create health value for covered beneficiaries (such as preventive care, primary and specialty care, diagnostic tests, procedures, and durable medical equipment).

(5) The term “high-value provider” means an individual or institutional health care provider that provides health care under the purchased care component of the TRICARE program and that consistently improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

(6) The term “value-based health care methodology” means a methodology for identifying specific prescription medications and clinical services provided under the TRICARE program for which reduction of copayments, cost shares, or both, would improve the management of specific chronic conditions because of the high value and clinical effectiveness of such medications and services for such chronic conditions.

(j) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Title 10, United States Code, is amended as follows:

(A) Section 1072 is amended—

(i) by striking paragraph (7) and inserting the following:

“(7) The term ‘TRICARE program’ means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to mem-

bers and former members of the uniformed services and their dependents, including the following health plan options:

“(A) TRICARE Prime.

“(B) TRICARE Select.

“(C) TRICARE for Life.”; and

(ii) by adding at the end the following new paragraphs:

“(11) The term ‘TRICARE Extra’ means the preferred-provider option of the TRICARE program made available prior to January 1, 2018, under which TRICARE Standard beneficiaries may obtain discounts on cost sharing as a result of using TRICARE network providers.

“(12) The term ‘TRICARE Select’ means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of this title.

“(13) The term ‘TRICARE for Life’ means the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of this title.

“(14) The term ‘TRICARE Prime’ means the managed care option of the TRICARE program.

“(15) The term ‘TRICARE Standard’ means the TRICARE program made available prior to January 1, 2018, covering—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(B) Section 1076d is amended—

(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Reserve Select’ means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”; and

(iii) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Reserve Select”.

(C) Section 1076e is amended—

(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Retired Reserve’ means the TRICARE Select self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”; and

(iii) in subsection (b), by striking “TRICARE Standard coverage at” and inserting “TRICARE coverage at”; and

(iv) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Retired Reserve”.

(D) Section 1079a is amended—

(i) in the section heading, by striking “CHAMPUS” and inserting “TRICARE program”; and

(ii) by striking “the Civilian Health and Medical Program of the Uniformed Services” and inserting “the TRICARE program”.

(E) Section 1099(c) is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) A plan under the TRICARE program.”.

(F) Section 1110b(c)(1) is amended by inserting after “(b).” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”.

(2) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is further amended—

(A) in the item relating to section 1076d, by striking “TRICARE Standard” and inserting “TRICARE Reserve Select”;

(B) in the item relating to section 1076e, by striking “TRICARE Standard” and inserting “TRICARE Retired Reserve”;

(C) in the item relating to section 1079a, by striking “CHAMPUS” and inserting “TRICARE program”; and

(D) in the item relating to section 1095f, by striking “for specialty health care” and inserting “and preauthorizations under TRICARE Prime”.

(3) **CONFORMING STYLE.**—Any new language inserted or added to title 10, United States Code, by an amendment made by this subsection shall conform to the typeface and typestyle of the matter in which the language is so inserted or added.

(k) **APPLICATION.**—The amendments made by this section shall apply with respect to the provision of health care under the TRICARE program beginning on January 1, 2018.

**SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.**

(a) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073b the following new section:

**“§1073c. Administration of Defense Health Agency and military medical treatment facilities**

“(a) **ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.**—(1) Beginning October 1, 2018, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

“(A) budgetary matters;

“(B) information technology;

“(C) health care administration and management;

“(D) administrative policy and procedure;

“(E) military medical construction; and

“(F) any other matters the Secretary of Defense determines appropriate.

(2) The commander of each military medical treatment facility shall be responsible for—

“(A) ensuring the readiness of the members of the armed forces and civilian employees at such facility; and

“(B) furnishing the health care and medical treatment provided at such facility.

(3) The Secretary of Defense shall establish within the Defense Health Agency a professional staff to provide policy, oversight, and direction to carry out subsection (a). The Secretary shall carry out this paragraph by appointing the positions specified in subsections (b) and (c).

“(b) **DHA ASSISTANT DIRECTOR.**—(1) There is in the Defense Health Agency an Assistant Director for Health Care Administration. The Assistant Director shall—

“(A) be a career appointee within the Department; and

“(B) report directly to the Director of the Defense Health Agency.

(2) The Assistant Director shall be appointed from among individuals who have equivalent education and experience as a chief executive officer leading a large, civilian health care system.

(3) The Assistant Director shall be responsible for the following:

“(A) Establishing priorities for health care administration and management.

“(B) Establishing policies, procedures, and direction for the provision of direct care at military medical treatment facilities.

“(C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.

“(D) Establishing policies, procedures, and direction for clinic management and operations at military medical treatment facilities.

“(E) Establishing priorities for information technology at and between the military medical treatment facilities.

“(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A) There is in the Defense Health Agency a Deputy Assistant Director for Information Operations.

“(B) The Deputy Assistant Director for Information Operations shall be responsible for policies, management, and execution of information technology operations at and between the military medical treatment facilities.

“(2)(A) There is in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

“(B) The Deputy Assistant Director for Financial Operations shall be responsible for the policy, procedures, and direction of budgeting matters and financial management with respect to the provision of direct care across the military health system.

“(3)(A) There is in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

“(B) The Deputy Assistant Director for Health Care Operations shall be responsible for the policy, procedures, and direction of health care administration in the military medical treatment facilities.

“(4)(A) There is in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

“(B) The Deputy Assistant Director for Medical Affairs shall be responsible for policy, procedures, and direction of clinical quality and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting.

“(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall report directly to the Assistant Director for Health Care Administration.

“(d) CERTAIN RESPONSIBILITIES OF DHA DIRECTOR.—(1) In addition to the other duties of the Director of the Defense Health Agency, the Director shall coordinate with the Joint Staff Surgeon to ensure that the Director most effectively carries out the responsibilities of the Defense Health Agency as a combat support agency under section 193 of this title.

“(2) The responsibilities of the Director shall include the following:

“(A) Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.

“(B) Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities supports readiness requirements for members of the armed forces and health care personnel.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘career appointee’ has the meaning given that term in section 3132(a)(4) of title 5.

“(2) The term ‘Defense Health Agency’ means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073b the following new item:

“1073c. Administration of Defense Health Agency and military medical treatment facilities.”

(b) POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—

(1) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking “(1)”;

(B) by redesignating subsection (e) as subsection (g);

(C) by inserting after subsection (d) a new subsection (e);

(D) by transferring paragraphs (2) and (3) of subsection (d) to subsection (e), as added by

subparagraph (C), and redesignating such paragraphs as paragraphs (1) and (2), respectively; and

(E) by adding after subsection (e), as added by subparagraph (C), the following new subsection (f):

“(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

“(2) The Surgeon General serves as the chief medical advisor of the Army to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.

“(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Army, shall recruit, organize, train, and equip, medical personnel of the Army.”

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:

“§5137. Surgeon General: appointment; duties

“(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from officers on the active-duty list of the Navy in any corps of the Navy Medical Department.

“(b) DUTIES.—(1) The Surgeon General serves as the Chief of the Bureau of Medicine and Surgery and serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

“(2) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.

“(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Navy, shall recruit, organize, train, and equip, medical personnel of the Navy and the Marine Corps.”

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

“5137. Surgeon General: appointment; duties.”

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

“§8036. Surgeon General: appointment; duties

“(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department.

“(b) DUTIES.—(1) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

“(2) The Surgeon General serves as the chief medical advisor of the Air Force to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.

“(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Air Force, shall recruit, organize, train, and equip, medical personnel of the Air Force.”

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such

title is amended by striking the item relating to section 8036 and inserting the following new item:

“8036. Surgeon General: appointment; duties.”

(c) APPOINTMENTS.—The Secretary of Defense shall make appointments of the positions under section 1073c of title 10, United States Code, as added by subsection (a)—

(1) by not later than October 1, 2018; and

(2) by not increasing the number of full-time equivalent employees of the Defense Health Agency.

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall develop a plan to implement section 1073c of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The plan developed under paragraph (1) shall include the following:

(A) How the Secretary will carry out subsection (a) of such section 1073c.

(B) Efforts to eliminate duplicative activities carried out by the elements of the Defense Health Agency and the military departments.

(C) Efforts to maximize efficiencies in the activities carried out by the Defense Health Agency.

(D) How the Secretary will implement such section 1073c in a manner that reduces the number of members of the Armed Forces, civilian employees who are full-time equivalent employees, and contractors relating to the headquarters activities of the military health system, as of the date of the enactment of this Act.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than March 1, 2017, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing—

(A) a preliminary draft of the plan developed under subsection (d)(1); and

(B) any recommendations for legislative actions the Secretary determines necessary to carry out the plan.

(2) FINAL REPORT.—Not later than March 1, 2018, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the final version of the plan developed under subsection (d)(1).

(3) COMPTROLLER GENERAL REVIEWS.—

(A) The Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate—

(i) a review of the preliminary draft of the plan submitted under paragraph (1) by not later than September 1, 2017; and

(ii) a review of the final version of the plan submitted under paragraph (2) by not later than September 1, 2018.

(B) Each review of the plan conducted under subparagraph (A) shall determine whether the Secretary has addressed the required elements for the plan under subsection (d)(2).

### SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, as amended by section 702, is further amended by inserting after section 1073c the following new section:

“§1073d. Military medical treatment facilities

“(a) IN GENERAL.—To support the medical readiness of the armed forces and the readiness of medical personnel, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall maintain the military medical treatment facilities described in subsections (b), (c), and (d).

“(b) MEDICAL CENTERS.—(1) The Secretary of Defense shall maintain medical centers in areas with a large population of members of the armed forces and covered beneficiaries.

“(2) Medical centers shall serve as referral facilities for members and covered beneficiaries

who require comprehensive health care services that support medical readiness.

“(3) Medical centers shall consist of the following:

“(A) Inpatient and outpatient tertiary care facilities that incorporate specialty and subspecialty care.

“(B) Graduate medical education programs.

“(C) Residency training programs.

“(D) Level one or level two trauma care capabilities.

“(4) The Secretary may designate a medical center as a regional center of excellence for unique and highly specialized health care services, including with respect to polytrauma, organ transplantation, and burn care.

“(c) HOSPITALS.—(1) The Secretary of Defense shall maintain hospitals in areas where civilian health care facilities are unable to support the health care needs of members of the armed forces and covered beneficiaries.

“(2) Hospitals shall provide—

“(A) inpatient and outpatient health services to maintain medical readiness; and

“(B) such other programs and functions as the Secretary determines appropriate.

“(3) Hospitals shall consist of inpatient and outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the hospital.

“(d) AMBULATORY CARE CENTERS.—(1) The Secretary of Defense shall maintain ambulatory care centers in areas where civilian health care facilities are able to support the health care needs of members of the armed forces and covered beneficiaries.

“(2) Ambulatory care centers shall provide the outpatient health services required to maintain medical readiness, including with respect to partnerships established pursuant to section 706 of the National Defense Authorization Act for Fiscal Year 2017.

“(3) Ambulatory care centers shall consist of outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the ambulatory care center.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 702, is further amended by inserting after the item relating to section 1073c the following new item:

“1073d. Military medical treatment facilities.”

(3) SATELLITE CENTERS.—In addition to the centers of excellence designated under section 1073d(b)(4) of title 10, United States Code, as added by paragraph (1), the Secretary of Defense may establish satellite centers of excellence to provide specialty care for certain conditions, including with respect to—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(b) EXCEPTION.—In carrying out section 1073d of title 10, United States Code, as added by subsection (a)(1), the Secretary of Defense may not restructure or realign the infrastructure of, or modify the health care services provided by, a military medical treatment facility unless the Secretary determines that, if such a restructure, realignment, or modification will eliminate the ability of a covered beneficiary to access health care services at a military medical treatment facility, the covered beneficiary will be able to access such health care services through the purchased care component of the TRICARE program.

(c) UPDATE OF STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall update the report described in paragraph (2) to address the restructuring or

realignment of military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a), including with respect to any expansions or consolidations of such facilities.

(2) REPORT DESCRIBED.—The report described in this paragraph is the Military Health System Modernization Study dated May 29th, 2015, required by section 713(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3414).

(3) SUBMISSION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the updated report under paragraph (1).

(d) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an implementation plan to restructure or realign the military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The implementation plan under paragraph (1) shall include the following:

(A) With respect to each military medical treatment facility—

(i) whether the facility will be realigned or restructured under the plan;

(ii) whether the functions of such facility will be expanded or consolidated;

(iii) the costs of such realignment or restructuring;

(iv) a description of any changes to the military and civilian personnel assigned to such facility as of the date of the plan;

(v) a timeline for such realignment or restructuring;

(vi) the justifications for such realignment or restructuring, including an assessment of the capacity of the civilian health care facilities located near such facility;

(vii) a comprehensive assessment of the health care services provided at the facility;

(viii) a description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided;

(ix) a description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care;

(x) a description of the current level of coordination between the facility and local health care providers in the area in which the facility is located and proposed modifications to such level of coordination; and

(xi) a description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) A description of the relocation of the graduate medical education programs and the residency programs.

(C) A description of the plans to assist members of the Armed Forces and covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at regional centers of excellence designated under subsection (b)(4) of such section 1073d.

(D) A description of how the Secretary will carry out subsection (b).

(3) GAO REPORT.—Not later than 60 days after the date on which the Secretary of Defense submits the report under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

(e) DEFINITIONS.—In this section, the terms “covered beneficiary” and “TRICARE pro-

gram” have the meaning given those terms in section 1072 of title 10, United States Code.

**SEC. 704. ACCESS TO URGENT AND PRIMARY CARE UNDER TRICARE PROGRAM.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

“§ 1077a. Access to military medical treatment facilities and other facilities

“(a) URGENT CARE.—(1) The Secretary of Defense shall ensure that military medical treatment facilities, at locations the Secretary determines appropriate, provide urgent care services for members of the armed forces and covered beneficiaries until 11:00 p.m. each day.

“(2) With respect to areas in which a military medical treatment facility covered by paragraph (1) is not located, the Secretary shall ensure that members of the armed forces and covered beneficiaries may access urgent care clinics through the health care provider network under the TRICARE program.

“(3) A covered beneficiary may access urgent care services without the need for preauthorization for such services.

“(4) The Secretary shall—

“(A) publish information about changes in access to urgent care under the TRICARE program—

“(i) on the primary publicly available Internet website of the Department; and

“(ii) on the primary publicly available Internet website of each military medical treatment facility; and

“(B) ensure that such information is made available on the publicly available Internet website of each current managed care support contractor that has established a health care provider network under the TRICARE program.

“(b) NURSE ADVICE LINE.—The Secretary shall ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to care to the source of the most appropriate level of health care required to treat the medical conditions of the beneficiaries, including urgent care services described in subsection (a).

“(c) PRIMARY CARE CLINICS.—(1) The Secretary shall ensure that primary care clinics at military medical treatment facilities are available for members of the armed forces and covered beneficiaries between the hours determined appropriate under paragraph (2), including with respect to expanded hours described in subparagraph (B) of such paragraph.

“(2)(A) The Secretary shall determine the hours that each primary care clinic at a military medical treatment facility is available for members of the armed forces and covered beneficiaries based on—

“(i) the needs of the military medical treatment facility to meet the access standards under the TRICARE Prime program; and

“(ii) the primary care utilization patterns of members and covered beneficiaries at such military medical treatment facility.

“(B) The primary care clinic hours at a military medical treatment facility determined under subparagraph (A) shall include expanded hours beyond regular business hours during weekdays and the weekend if the Secretary determines under such subparagraph that sufficient demand exists at the military medical treatment facility for such expanded primary care clinic hours.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Access to military medical treatment facilities and other facilities”.

(c) IMPLEMENTATION.—The Secretary of Defense shall implement—

(1) subsection (a) of section 1077a of title 10, United States Code, as added by subsection (a) of this section, by not later than one year after the date of the enactment of this Act; and

(2) subsection (c) of such section by not later than 180 days after the date of the enactment of this Act.

**SEC. 705. VALUE-BASED PURCHASING AND ACQUISITION OF MANAGED CARE SUPPORT CONTRACTS FOR TRICARE PROGRAM.**

(a) **VALUE-BASED HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement value-based incentive programs as part of any contract awarded under chapter 55 of title 10, United States Code, for the provision of health care services to covered beneficiaries to encourage health care providers under the TRICARE program (including physicians, hospitals, and other persons and facilities involved in providing such health care services) to improve the following:

(A) The quality of health care provided to covered beneficiaries under the TRICARE program.

(B) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(C) The health of covered beneficiaries.

(2) **VALUE-BASED INCENTIVE PROGRAMS.**—

(A) **DEVELOPMENT.**—In developing value-based incentive programs under paragraph (1), the Secretary shall—

(i) link payments to health care providers under the TRICARE program to improved performance with respect to quality, cost, and reducing the provision of inappropriate care;

(ii) consider the characteristics of the population of covered beneficiaries affected by the value-based incentive program;

(iii) consider how the value-based incentive program would affect the receipt of health care under the TRICARE program by such covered beneficiaries;

(iv) establish or maintain an assurance that such covered beneficiaries will have timely access to health care during the operation of the value-based incentive program;

(v) ensure that such covered beneficiaries do not incur any additional costs by reason of the value-based incentive program; and

(vi) consider such other factors as the Secretary considers appropriate.

(B) **SCOPE AND METRICS.**—With respect to a value-based incentive program developed and implemented under paragraph (1), the Secretary shall ensure that—

(i) the size, scope, and duration of the value-based incentive program is reasonable in relation to the purpose of the value-based incentive program; and

(ii) the value-based incentive program relies on the core quality performance metrics adopted pursuant to section 728.

(3) **USE OF EXISTING MODELS.**—In developing a value-based incentive program under paragraph (1), the Secretary may adapt a value-based incentive program conducted by a TRICARE managed care support contractor, the Centers for Medicare & Medicaid Services, or any other Federal Government, State government, or commercial health care program.

(b) **TRANSFER OF CONTRACTING RESPONSIBILITY.**—With respect to the acquisition of any managed care support contracts under the TRICARE program initiated after the date of the enactment of this Act, the Secretary of Defense shall transfer contracting responsibility for the solicitation and award of such contracts from the Defense Health Agency to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) **ACQUISITION OF CONTRACTS.**—

(1) **STRATEGY.**—Not later than January 1, 2018, the Secretary of Defense shall develop and implement a strategy to ensure that managed care support contracts under the TRICARE program entered into with private sector entities, other than overseas medical support contracts—

(A) improve access to health care for covered beneficiaries;

(B) improve health outcomes for covered beneficiaries;

(C) improve the quality of health care received by covered beneficiaries;

(D) enhance the experience of covered beneficiaries in receiving health care; and

(E) lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.

(2) **APPLICABILITY OF STRATEGY.**—

(A) **IN GENERAL.**—The strategy required by paragraph (1) shall apply to all managed care support contracts under the TRICARE program entered into with private sector entities.

(B) **MODIFICATION OF CONTRACTS.**—Contracts entered into prior to the implementation of the strategy required by paragraph (1) shall be modified to ensure consistency with such strategy.

(3) **LOCAL, REGIONAL, AND NATIONAL HEALTH PLANS.**—In developing and implementing the strategy required by paragraph (1), the Secretary shall ensure that local, regional, and national health plans have an opportunity to participate in the competition for managed care support contracts under the TRICARE program.

(4) **CONTINUOUS INNOVATION.**—The strategy required by paragraph (1) shall include incentives for the incorporation of innovative ideas and solutions into managed care support contracts under the TRICARE program through the use of teaming agreements, subcontracts, and other contracting mechanisms that can be used to develop and continuously refresh high-performing networks of health care providers at the national, regional, and local level.

(5) **ELEMENTS OF STRATEGY.**—The strategy required by paragraph (1) shall provide for the following with respect to managed care support contracts under the TRICARE program:

(A) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(B) The establishment of an integrated medical management system between military medical treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(C) With respect to telehealth services—

(i) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(ii) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(D) The use of value-based reimbursement methodologies, including through the use of value-based incentive programs under subsection (a), that transfer financial risk to health care providers and managed care support contractors.

(E) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(F) The use of incentives that emphasize prevention and wellness for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(G) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(H) The elimination of the requirement for a referral to be authorized prior receiving specialty care services at a facility of the Department of Defense or through the TRICARE program.

(I) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(6) **RURAL, REMOTE, AND ISOLATED AREAS.**—In developing and implementing the strategy required by paragraph (1), the Secretary shall—

(A) assess the unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations;

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries; and

(D) ensure that managed care support contracts under the TRICARE program in those locations will—

(i) establish individual and institutional provider networks that will provide timely access to care for covered beneficiaries, including pursuant to such networks relating to an Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service or has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States; and

(ii) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(d) **REPORT PRIOR TO CERTAIN CONTRACT MODIFICATIONS.**—Not later than 60 days before the date on which the Secretary of Defense first modifies a contract awarded under chapter 55 of title 10, United States Code, to implement a value-based incentive program under subsection (a), or the managed care support contract acquisition strategy under subsection (c), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any implementation plan of the Secretary with respect to such value-based incentive program or managed care support contract acquisition strategy.

(e) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report under subsection (d), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that assesses the compliance of the Secretary of Defense with the requirements of subsection (a) and subsection (c).

(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense for acquiring managed care support contracts under the TRICARE program—

(i) improves access to care;

(ii) improves health outcomes;

(iii) improves the experience of care for covered beneficiaries; and

(iv) lowers per capita health care costs.

(B) Whether the Department has, in its requirements for managed care support contracts under the TRICARE program, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military medical treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and managed care support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has considered, in developing requirements for managed care support contracts under the TRICARE program, the following:

(i) The unique characteristics of providing health care services in Alaska, Hawaii, and the territories and possessions of the United States, and in rural, remote, or isolated locations in the contiguous 48 States;

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) DEFINITIONS.—In this section:

(1) The terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

(2) The term “high-performing networks of health care providers” means networks of health care providers that, in addition to such other requirements as the Secretary of Defense may specify for purposes of this section, do the following:

(A) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(B) Achieve greater efficiency in the delivery of health care by identifying and implementing within such network improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(C) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(D) Focus on preventive care that emphasizes—

(i) early detection and timely treatment of disease;

(ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient’s health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

**SEC. 706. ESTABLISHMENT OF HIGH PERFORMING MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.**

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall establish

military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems;

(5) to maintain services within military treatment facilities that are essential for the maintenance of operational medical force readiness skills of health care providers of the Department; and

(6) to provide members of the Armed Forces with additional training opportunities to maintain such readiness skills.

(b) ELEMENTS OF SYSTEMS.—Each military-civilian integrated health delivery system established under subsection (a) shall—

(1) deliver high quality health care as measured by leading national health quality measurement organizations;

(2) achieve greater efficiency in the delivery of health care by identifying and implementing within each such system improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services;

(3) improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients;

(4) focus on preventive care that emphasizes—

(A) early detection and timely treatment of disease;

(B) periodic health screenings; and

(C) education regarding healthy lifestyle behaviors;

(5) coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient’s health care team;

(6) facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate;

(7) encourage patients to participate in making health care decisions;

(8) use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices; and

(9) improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, health care centers of excellence, public or private academic medical institutions, regional health organizations, integrated health systems, accountable care organizations, and such other health systems as the Secretary considers appropriate.

(2) PRIVATE SECTOR CARE.—Memoranda of understanding and contracts entered into under paragraph (1) shall ensure that covered beneficiaries are eligible to enroll in and receive medical services under the private sector components of military-civilian integrated health delivery systems established under subsection (a).

(3) VALUE-BASED REIMBURSEMENT METHODOLOGIES.—The Secretary shall incorporate value-based reimbursement methodologies, such

as capitated payments, bundled payments, or pay for performance, into memoranda of understanding and contracts entered into under paragraph (1) to reimburse entities for medical services provided to covered beneficiaries under such memoranda of understanding and contracts.

(4) QUALITY OF CARE.—Each memorandum of understanding or contract entered into under paragraph (1) shall ensure that the quality of services received by covered beneficiaries through a military-civilian integrated health delivery system under such memorandum of understanding or contract is at least comparable to the quality of services received by covered beneficiaries from a military treatment facility.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

**SEC. 707. JOINT TRAUMA SYSTEM.**

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to establish a Joint Trauma System within the Defense Health Agency that promotes improved trauma care to members of the Armed Forces and other individuals who are eligible to be treated for trauma at a military medical treatment facility.

(2) IMPLEMENTATION.—The Secretary shall implement the plan under paragraph (1) after a 90-day period has elapsed following the date on which the Comptroller General of the United States is required to submit to the Committees on Armed Services of the House of Representatives and the Senate the review under subsection (c). In implementing such plan, the Secretary shall take into account any recommendation made by the Comptroller General under such review.

(b) ELEMENTS.—The Joint Trauma System described in subsection (a)(1) shall include the following elements:

(1) Serve as the reference body for all trauma care provided across the military health system.

(2) Establish standards of care for trauma services provided at military medical treatment facilities.

(3) Coordinate the translation of research from the centers of excellence of the Department of Defense into standards of clinical trauma care.

(4) Coordinate the incorporation of lessons learned from the trauma education and training partnerships pursuant to section 709 into clinical practice.

(c) REVIEW.—Not later than 180 days after the date on which the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the implementation plan under subsection (a)(1), the Comptroller General of the United States shall submit to such committees a review of such plan to determine if each element under subsection (b) is included in such plan.

(d) REVIEW OF MILITARY TRAUMA SYSTEM.—In establishing a Joint Trauma System, the Secretary of Defense may seek to enter into an agreement with a non-governmental entity with subject matter experts to—

(1) conduct a system-wide review of the military trauma system, including a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of the review, including an assessment of lessons learned to improve combat casualty care in future conflicts; and

(2) make publicly available a report containing such review and recommendations to establish a comprehensive trauma system for the Armed Forces.

**SEC. 708. JOINT TRAUMA EDUCATION AND TRAINING DIRECTORATE.**

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Trauma Education

and Training Directorate (in this section referred to as the "Directorate") to ensure that the traumatologists of the Armed Forces maintain readiness and are able to be rapidly deployed for future armed conflicts. The Secretary shall carry out this section in collaboration with the Secretaries of the military departments.

(b) DUTIES.—The duties of the Directorate are as follows:

(1) To enter into and coordinate the partnerships under subsection (c).

(2) To establish the goals of such partnerships necessary for trauma teams led by traumatologists to maintain professional competency in trauma care.

(3) To establish metrics for measuring the performance of such partnerships in achieving such goals.

(4) To develop methods of data collection and analysis for carrying out paragraph (3).

(5) To communicate and coordinate lessons learned from such partnerships with the Joint Trauma System established under section 707.

(6) To develop standardized combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.

(7) To develop a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(8) To develop quality of care outcome measures for combat casualty care.

(9) To direct the conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may enter into partnerships with civilian academic medical centers and large metropolitan teaching hospitals that have level I civilian trauma centers to provide integrated combat trauma teams, including forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(2) TRAUMA TEAMS.—Under the partnerships entered into with civilian academic medical centers and large metropolitan teaching hospitals under paragraph (1), trauma teams of the Armed Forces led by traumatologists of the Armed Forces shall embed within the trauma centers of the medical centers and hospitals on an enduring basis.

(3) SELECTION.—The Secretary shall select civilian academic medical centers and large metropolitan teaching hospitals to enter into partnerships under paragraph (1) based on patient volume, acuity, and other factors the Secretary determines necessary to ensure that the traumatologists of the Armed Forces and the associated clinical support teams have adequate and continuous exposure to critically injured patients.

(4) CONSIDERATION.—In entering into partnerships under paragraph (1), the Secretary may consider the experiences and lessons learned by the military departments that have entered into memoranda of understanding with civilian medical centers for trauma care.

(d) PERSONNEL MANAGEMENT PLAN.—

(1) PLAN.—The Secretary shall establish a personnel management plan for the following wartime medical specialties:

(A) Emergency medical services and prehospital care.

(B) Trauma surgery.

(C) Critical care.

(D) Anesthesiology.

(E) Emergency medicine.

(F) Other wartime medical specialties the Secretary determines appropriate for purposes of the plan.

(2) ELEMENTS.—The elements of the plan established under paragraph (1) shall include, at a minimum, the following:

(A) An accession plan for the number of qualified medical personnel to maintain wartime medical specialties on an annual basis in order to

maintain the required number of trauma teams as determined by the Secretary.

(B) The number of positions required in each such medical specialty.

(C) Crucial organizational and operational assignments for personnel in each such medical specialty.

(D) Career pathways for personnel in each such medical specialty.

(3) IMPLEMENTATION.—The Secretaries of the military departments shall carry out the plan established under paragraph (1).

(e) IMPLEMENTATION PLAN.—Not later than July 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for establishing the Joint Trauma Education and Training Directorate under subsection (a), entering into partnerships under subsection (c), and establishing the plan under subsection (d).

(f) LEVEL I CIVILIAN TRAUMA CENTER DEFINED.—In this section, the term "level I civilian trauma center" means a comprehensive regional resource that is a tertiary care facility central to the trauma system and is capable of providing total care for every aspect of injury from prevention through rehabilitation.

#### SEC. 709. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) STANDARDIZED SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures used within the military health system do not vary among military treatment facilities.

(b) SOLE SYSTEM.—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) SCHEDULING OF APPOINTMENTS.—

(1) IN GENERAL.—Under the system implemented under subsection (a), each military treatment facility shall use a centralized appointment scheduling capability for covered beneficiaries that includes the ability to schedule appointments manually via telephone as described in paragraph (2) or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (3).

(2) TELEPHONE APPOINTMENT PROCESS.—

(A) IN GENERAL.—In the case of a covered beneficiary who contacts a military treatment facility via telephone to schedule an appointment under the system implemented under subsection (a), the Secretary shall implement standard processes to ensure that the needs of the covered beneficiary are met during the first such telephone call.

(B) MATTERS INCLUDED.—The standard processes implemented under subparagraph (A) shall include the following:

(i) The ability of a covered beneficiary, during the telephone call to schedule an appointment, to also schedule wellness visits or follow-up appointments during the 180-day period beginning on the date of the request for the visit or appointment.

(ii) The ability of a covered beneficiary to indicate the process through which the covered beneficiary prefers to be reminded of future appointments, which may include reminder telephone calls, emails, or cellular text messages to the covered beneficiary at specified intervals prior to appointments.

(3) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) CAPABILITIES OF ONLINE SYSTEM.—The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) STANDARDS FOR PRODUCTIVITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary shall implement standards for the productivity of health care providers at military treatment facilities.

(2) MATTERS CONSIDERED.—In developing standards under paragraph (1), the Secretary shall consider—

(A) civilian benchmarks for measuring the productivity of health care providers;

(B) the optimal number of medical appointments for each health care provider that would be required, as determined by the Secretary, to maintain access of covered beneficiaries to health care from the Department; and

(C) the readiness requirements of the Armed Forces.

(e) PLAN.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

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

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).

(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(f) BRIEFING.—Not later than February 1, 2018, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation of the system required under subsection (a) and the standards for the productivity of health care providers required under subsection (d).

(g) REPORT ON MISSED APPOINTMENTS.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of medical appointments at military treatment facilities for which a covered beneficiary failed to appear without prior notification during the one-year period preceding the submittal of the report.

(2) ELEMENTS.—Each report under paragraph (1) shall include for each military treatment facility the following:

(A) An identification of the top five reasons for a covered beneficiary missing an appointment.

(B) A comparison of the number of missed appointments for specialty care versus primary care.

(C) An estimate of the cost to the Department of Defense of missed appointments.

(D) An assessment of strategies to reduce the number of missed appointments.

(h) COVERED BENEFICIARY DEFINED.—In this section, the term "covered beneficiary" has the meaning given that term in section 1072 of title 10, United States Code.

#### Subtitle B—Other Health Care Benefits

#### SEC. 711. EXTENDED TRICARE PROGRAM COVERAGE FOR CERTAIN MEMBERS OF THE NATIONAL GUARD AND DEPENDENTS DURING CERTAIN DISASTER RESPONSE DUTY.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076e the following new section:

**“§ 1076f. TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty**

“(a) **EXTENDED COVERAGE.**—During a period in which a member of the National Guard is performing disaster response duty, the member may be treated as being on active duty for a period of more than 30 days for purposes of the eligibility of the member and dependents of the member for health care benefits under the TRICARE program if such period immediately follows a period in which the member served on full-time National Guard duty under section 502(f) of title 32, including pursuant to chapter 9 of such title, unless the Governor of the State (or, with respect to the District of Columbia, the mayor of the District of Columbia) determines that such extended eligibility is not in the best interest of the member or the State.

“(b) **CONTRIBUTION BY STATE.**—(1) The Secretary shall charge a State for the costs of providing coverage under the TRICARE program to members of the National Guard of the State and the dependents of the members pursuant to subsection (a). Such charges shall be paid from the funds of the State or from any other non-Federal funds.

“(2) Any amounts received by the Secretary under paragraph (1) shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section, including to carry out subsection (a) of this section.

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

“(1) The term ‘disaster response duty’ means duty performed by a member of the National Guard in State status pursuant to an emergency declaration by the Governor of the State (or, with respect to the District of Columbia, the mayor of the District of Columbia) in response to a disaster or in preparation for an imminent disaster.

“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076e the following new item:

“1076f. TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty.”.

**SEC. 712. CONTINUITY OF HEALTH CARE COVERAGE FOR RESERVE COMPONENTS.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct a study of options for providing health care coverage that improves the continuity of health care provided to current and former members of the Selected Reserve of the Ready Reserve who are not—

(A) serving on active duty;

(B) eligible for the Transitional Assistance Management Program under section 1145 of title 10, United States Code; or

(C) eligible for the Federal Employees Health Benefit Program.

(2) **ELEMENTS.**—The study under paragraph (1) shall address the following:

(A) Whether to allow current and former members of the Selected Reserve to participate in the Federal Employees Health Benefit Program.

(B) Whether to pay a stipend to current and former members to continue coverage in a health plan obtained by the member.

(C) Whether to allow current and former members to participate in the TRICARE program under section 1076d of title 10, United States Code.

(D) Whether to amend section 1076f of title 10, United States Code, as added by section 711, to

require the extension of TRICARE program coverage for members of the National Guard assigned to Homeland Response Force Units mobilized for a State emergency pursuant to chapter 9 of title 32, United States Code.

(E) The findings and recommendations under section 748.

(F) Any other options for providing health care coverage to current and former members of the Selected Reserve the Secretary considers appropriate.

(3) **CONSULTATION.**—In carrying out the study under paragraph (1), the Secretary shall consult with, and obtain the opinions of, current and former members of the Selected Reserve, including the leadership of the Selected Reserve.

(4) **SUBMISSION.**—

(A) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under paragraph (1).

(B) **MATTERS INCLUDED.**—The report under subparagraph (A) shall include the following:

(i) A description of the health care coverage options addressed by the Secretary under paragraph (2).

(ii) Identification of such health care coverage option that the Secretary recommends as the best option.

(iii) The justifications for such recommended best option.

(iv) The number and proportion of the current and former members of the Selected Reserve projected to participate in such recommended best option.

(v) A determination of the appropriate cost sharing for such recommended best option with respect to the percentage contribution as a monthly premium for current members of the Selected Reserve.

(vi) An estimate of the cost of implementing such recommended best option.

(vii) Any legislative language required to implement such recommended best option.

(b) **PILOT PROGRAM.**—

(1) **AUTHORIZATION.**—The Secretary of Defense and the Director may jointly carry out a pilot program, at the election of the Secretary, under which the Director provides commercial health insurance coverage to eligible reserve component members who enroll in a health benefits plan under paragraph (4) as an individual, for self plus one coverage, or for self and family coverage.

(2) **ELEMENTS.**—The pilot program shall—

(A) provide for enrollment by eligible reserve component members, at the election of the member, in a health benefits plan under paragraph (4) during an open enrollment period established by the Director for purposes of this subsection;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this subsection;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director; and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) **DURATION.**—If the Secretary elects to carry out the pilot program, the Secretary and the Director shall carry out the pilot program for not less than five years.

(4) **HEALTH BENEFITS PLANS.**—

(A) **IN GENERAL.**—In providing health insurance coverage under the pilot program, the Director shall contract with qualified carriers for a variety of health benefits plans.

(B) **DESCRIPTION OF PLANS.**—Health benefits plans contracted for under this subsection—

(i) may vary by type of plan design, covered benefits, geography, and price;

(ii) shall include maximum limitations on out-of-pocket expenses paid by an eligible reserve

component beneficiary for the health care provided; and

(iii) may not exclude an eligible reserve component member who chooses to enroll.

(C) **QUALITY OF PLANS.**—The Director shall ensure that each health benefits plan offered under this subsection offers a high degree of quality, as determined by criteria that include—

(i) access to an ample number of medical providers, as determined by the Director;

(ii) adherence to industry-accepted quality measurements, as determined by the Director;

(iii) access to benefits described in paragraph (5), including ease of referral for health care services; and

(iv) inclusion in the services covered by the plan of advancements in medical treatments and technology as soon as practicable in accordance with generally accepted standards of medicine.

(5) **BENEFITS.**—A health benefits plan offered by the Director under this subsection shall include, at a minimum, the following benefits:

(A) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(B) Such other benefits as the Director determines appropriate.

(6) **CARE AT FACILITIES OF UNIFORMED SERVICES.**—

(A) **IN GENERAL.**—If an eligible reserve component beneficiary receives benefits described in paragraph (5) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third-party payer under section 1095 of title 10, United States Code, and shall pay charges for such benefits as determined by the Secretary.

(B) **MILITARY MEDICAL TREATMENT FACILITIES.**—The Secretary, in consultation with the Director—

(i) may contract with qualified carriers with which the Director has contracted under paragraph (4) to provide health insurance coverage for health care services provided at military treatment facilities under this subsection; and

(ii) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military medical treatment facilities under this subsection.

(7) **SPECIAL RULE RELATING TO ACTIVE DUTY PERIOD.**—

(A) **IN GENERAL.**—An eligible reserve component member may not receive benefits under a health benefits plan under this subsection during any period in which the member is serving on active duty for more than 30 days.

(B) **TREATMENT OF DEPENDENTS.**—Subparagraph (A) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(8) **ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**—An individual is not eligible to enroll in or be covered under a health benefits plan under this subsection if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(9) **COST SHARING.**—

(A) **RESPONSIBILITY FOR PAYMENT.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), an eligible reserve component member shall pay an annual premium amount calculated under subparagraph (B) for coverage under a health benefits plan under this subsection and additional amounts described in subparagraph (C) for health care services in connection with such coverage.

(ii) **ACTIVE DUTY PERIOD.**—

(I) **IN GENERAL.**—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve component member is not responsible for paying any premium amount under subparagraph (B) or additional amounts under subparagraph (C).

(II) **COVERAGE OF DEPENDENTS.**—With respect to a dependent of an eligible reserve component

member that is covered under a health benefits plan under this subsection, during any period described in subclause (I) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost-sharing amounts as may be applicable under the plan.

**(B) PREMIUM AMOUNT.—**

(i) **IN GENERAL.**—The annual premium calculated under this subparagraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(ii) **TYPES OF COVERAGE.**—The premium amounts calculated under this subparagraph shall include separate calculations for—

- (I) coverage as an individual;
- (II) self plus one coverage; and
- (III) self and family coverage.

**(C) ADDITIONAL AMOUNTS.**—The additional amounts described in this subparagraph with respect to an eligible reserve component member are such cost-sharing amounts as may be applicable under the health benefits plan under which the member is covered.

**(10) CONTRACTING.—**

**(A) IN GENERAL.**—In contracting for health benefits plans under paragraph (4), the Director may contract with qualified carriers in a manner similar to the manner in which the Director contracts with carriers under section 8902 of title 5, United States Code, including that—

(i) a contract under this subsection shall be for a uniform term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party;

(ii) a contract under this subsection shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits determined by the Director in accordance with paragraph (5);

(iii) a contract under this subsection shall ensure that an eligible reserve component member who is eligible to enroll in a health benefits plan pursuant to such contract is able to enroll in such plan; and

(iv) the terms of a contract under this subsection relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

**(B) EVALUATION OF FINANCIAL SOLVENCY.**—The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under subparagraph (A).

**(11) RECOMMENDATIONS AND DATA.—**

**(A) IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(i) matters involving military medical treatment facilities;

(ii) matters unique to eligible reserve component members and dependents of such members; and

(iii) such other strategic guidance necessary for the Director to administer this subsection as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.

**(B) LIMITATION ON IMPLEMENTATION.**—The Director shall not implement any recommendation provided by the Secretary of Defense under subparagraph (A) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this subsection than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

**(12) TRANSMISSION OF INFORMATION.**—On an annual basis during each year in which the pilot program is carried out, the Director shall

provide the Secretary with information on the use of health care benefits under the pilot program, including—

(A) the number of eligible reserve component beneficiaries participating in the pilot program, listed by the health benefits plan under which the beneficiary is covered;

(B) the number of health benefits plans offered under the pilot program and a description of each such plan; and

(C) the costs of the health care provided under the plans.

**(13) FUNDING.—**

**(A) IN GENERAL.**—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program.

**(B) AVAILABILITY OF AMOUNTS.**—Amounts shall be made available to the Director pursuant to the mechanism established under subparagraph (A), without fiscal year limitation—

(i) for payments to health benefits plans under this subsection; and

(ii) to pay the costs of administering this subsection.

**(14) REPORTS.—**

**(A) INITIAL REPORTS.**—Not later than one year after the date on which the Secretary establishes the pilot program, and annually thereafter for the following three years, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

**(B) MATTERS INCLUDED.**—The report under subparagraph (A) shall include, with respect to the year covered by the report, the following:

(i) The number of eligible reserve component beneficiaries participating in the pilot program, listed by the health benefits plan under which the beneficiary is covered.

(ii) The number of health benefits plans offered under the pilot program.

(iii) The cost of the pilot program to the Department of Defense.

(iv) The estimated cost savings, if any, to the Department of Defense.

(v) The average cost to the eligible reserve component beneficiary.

(vi) The effect of the pilot program on the medical readiness of the members of the reserve components.

(vii) The effect of the pilot program on access to health care for members of the reserve components.

**(C) FINAL REPORT.**—Not later than 180 days before the date on which the pilot program will terminate pursuant to paragraph (3), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program that includes—

(i) the matters specified under subparagraph (B); and

(ii) the recommendation of the Secretary regarding whether to make the pilot program permanent or to terminate the pilot program.

**(c) DEFINITIONS.—**In this section:

(1) The term “Director” means the Director of the Office of Personnel Management.

(2) The term “eligible reserve component beneficiary” means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under subsection (b).

(3) The term “eligible reserve component member” means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) The term “extended health care option” means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) The term “Federal Employees Health Benefits Program” means the health insurance program under chapter 89 of title 5, United States Code.

(6) The term “qualified carrier” means an insurance carrier that is licensed to issue group

health insurance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and any territory or possession of the United States.

**SEC. 713. PROVISION OF HEARING AIDS TO DEPENDENTS OF RETIRED MEMBERS.**

Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)(16), by striking “A hearing aid” and inserting “Except as provided by subsection (g), a hearing aid”; and

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

“(g) In addition to the authority to provide a hearing aid under subsection (a)(16), hearing aids may be sold under this section to dependents of former members of the uniformed services at cost to the United States.”.

**SEC. 714. COVERAGE OF MEDICALLY NECESSARY FOOD AND VITAMINS FOR CERTAIN CONDITIONS UNDER THE TRICARE PROGRAM.**

**(a) IN GENERAL.**—Section 1077 of title 10, United States Code, as amended by section 713, is further amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting before the period at the end the following: “, including, in accordance with subsection (g), medically necessary vitamins”; and

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

“(18) In accordance with subsection (g), medically necessary food and the medical equipment and supplies necessary to administer such food (other than durable medical equipment and supplies).”; and

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

“(h)(1) Vitamins that may be provided under subsection (a)(3) are vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation.

“(2) Medically necessary food that may be provided under subsection (a)(18)—

“(A) is food, including a low protein modified food product or an amino acid preparation product, that is—

“(i) furnished pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation, for the dietary management of a covered disease or condition;

“(ii) a specially formulated and processed product (as opposed to a naturally occurring foodstuff used in its natural state) for the partial or exclusive feeding of an individual by means of oral intake or enteral feeding by tube;

“(iii) intended for the dietary management of an individual who, because of therapeutic or chronic medical needs, has limited or impaired capacity to ingest, digest, absorb, or metabolize ordinary foodstuffs or certain nutrients, or who has other special medically determined nutrient requirements, the dietary management of which cannot be achieved by the modification of the normal diet alone;

“(iv) intended to be used under medical supervision, which may include in a home setting; and

“(v) intended only for an individual receiving active and ongoing medical supervision under which the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and

“(B) may not include—

“(i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight-loss products, even if the food is recommended by a physician or other health care professional;

“(ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;

“(iii) food marketed for the management of diabetes; or

“(iv) such other products as the Secretary determines appropriate.

“(3) In this subsection, the term ‘covered disease or condition’ means—

“(A) inborn errors of metabolism;

“(B) medical conditions of malabsorption;

“(C) pathologies of the alimentary tract or the gastrointestinal tract;

“(D) a neurological or physiological condition; and

“(E) such other diseases or conditions the Secretary determines appropriate.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to health care provided under chapter 55 of such title on or after the date that is one year after the date of the enactment of this Act.

**SEC. 715. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.**

(a) **IN GENERAL.**—

(1) **DENTAL BENEFITS.**—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (8)”; and

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

“(8) The term ‘covered TRICARE-eligible individual’ means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.”.

(2) **VISION BENEFITS.**—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (8)”; and

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

“(8)(A) The term ‘covered TRICARE-eligible individual’—

“(i) means an individual entitled to medical care under chapter 55 of title 10, pursuant to section 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such title, who the Secretary of Defense determines in accordance with an agreement entered into under subparagraph (B) should be an eligible individual for purposes of this chapter; and

“(ii) does not include an individual covered under section 1110b of title 10.

“(B) The Secretary of Defense shall enter into an agreement with the Director of the Office relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **DENTAL BENEFITS.**—Section 8958(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

“(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

“(A) the pay (including retired pay) of such individual; or

“(B) the annuity paid to such individual; or

“(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.”.

(2) **VISION BENEFITS.**—Section 8988(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

“(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

“(A) the pay (including retired pay) of such individual; or

“(B) the annuity paid to such individual; or

“(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.”.

(3) **PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES, AND OTHER DEPENDENTS.**—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

“(a) **REQUIREMENT FOR PLAN.**—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unmarried surviving spouses, and dependents in accordance with this section.

“(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of title 5 that provides benefits similar to those benefits required to be provided under subsection (d).”.

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to the first contract year for chapter 89A or 89B of title 5, United States Code, as applicable, that begins on or after January 1, 2018.

**SEC. 716. APPLIED BEHAVIOR ANALYSIS.**

(a) **RATES OF REIMBURSEMENT.**—

(1) **IN GENERAL.**—In furnishing applied behavior analysis under the TRICARE program to individuals described in paragraph (2) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, the Secretary of Defense shall ensure that the reimbursement rates for providers of applied behavior analysis are not less than the rates that were in effect on March 31, 2016.

(2) **INDIVIDUALS DESCRIBED.**—Individuals described in this paragraph are individuals who are covered beneficiaries by reason of being a member or former member of the Army, Navy, Air Force, or Marine Corps, including the reserve components thereof, or a dependent of such a member or former member.

(b) **ANALYSIS.**—

(1) **IN GENERAL.**—Upon the completion of the Department of Defense Comprehensive Autism Care Demonstration, the Assistant Secretary of Defense for Health Affairs shall conduct an analysis to—

(A) use data gathered during the demonstration to set future reimbursement rates for providers of applied behavior analysis under the TRICARE program;

(B) review comparative commercial insurance claims for purposes of setting such future rates, including by—

(i) conducting an analysis of the comparative total of commercial insurance claims billed for applied behavior analysis; and

(ii) reviewing any covered beneficiary limitations on access to applied behavior analysis services at various military installations throughout the United States; and

(C) determine whether the use of applied behavioral analysis under the demonstration has improved outcomes for covered beneficiaries with autism spectrum disorder.

(2) **SUBMISSION.**—The Assistant Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the analysis conducted under paragraph (1).

(c) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

**SEC. 717. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES.**

(a) **IN GENERAL.**—The Secretary of Defense shall authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;

(2) the health care providers at the facility have the competencies, skills, and abilities required to treat the individual; and

(3) the facility has available space, equipment, and materials to treat the individual.

(b) **PRIORITY OF COVERED BENEFICIARIES.**—The evaluation and treatment of covered beneficiaries at military treatment facilities shall be prioritized ahead of the evaluation and treatment of veterans and civilians at such facilities under subsection (a).

(c) **REIMBURSEMENT FOR TREATMENT.**—

(1) **CIVILIANS.**—A military treatment facility that evaluates or treats an individual (other than an individual described in paragraph (2)) under subsection (a) shall bill the individual and accept reimbursement from the individual or a third-party payer (as that term is defined in section 1095(h) of title 10, United States Code) on behalf of such individual for the costs of any health care services provided to the individual under such subsection.

(2) **VETERANS.**—The Secretary of Defense shall enter into a memorandum of agreement with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs will pay a military treatment facility using a prospective payment methodology (including interagency transfers of funds or obligatory authority and similar transactions) for the costs of any health care services provided at the facility under subsection (a) to individuals eligible for such health care services from the Department of Veterans Affairs.

(3) **USE OF AMOUNTS.**—The Secretary of Defense shall make available to a military treatment facility any amounts collected by such facility under paragraph (1) or (2) for health care services provided to an individual under subsection (a).

(d) **COVERED BENEFICIARY DEFINED.**—In this section, the term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

**SEC. 718. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.**

(a) **INCORPORATION OF TELEHEALTH.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) **TYPES OF TELEHEALTH SERVICES.**—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) maximize the use of secure messaging between health care providers and covered beneficiaries to improve the access of covered beneficiaries to health care and reduce the number of visits to medical facilities for health care needs;

(B) allow covered beneficiaries to schedule appointments; and

(C) allow health care providers, through video conference, telephone or tablet applications, or home health monitoring devices—

(i) to assess and evaluate disease signs and symptoms;

(ii) to diagnose diseases;

(iii) to supervise treatments; and

(iv) to monitor health outcomes.

(b) **COVERAGE OF ITEMS OR SERVICES.**—An item or service furnished to a covered beneficiary via a telecommunications system shall be covered under the TRICARE program to the same extent as the item or service would be covered if furnished in the location of the covered beneficiary.

(c) **REIMBURSEMENT RATES FOR TELEHEALTH SERVICES.**—The Secretary shall develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, including by using reimbursement rates that incentivize the provision of telehealth services.

(d) **REDUCTION OR ELIMINATION OF COPAYMENTS.**—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(e) **REPORTS.**—

(1) **INITIAL REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be available in the direct care and purchased care components of the military health system and the copayments and cost shares, if any, associated with those services.

(B) **REIMBURSEMENT PLAN.**—The report required under subparagraph (A) shall include a plan to develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, as required under subsection (c).

(2) **FINAL REPORT.**—

(A) **IN GENERAL.**—Not later than three years after the date on which the Secretary begins incorporating, throughout the direct care and purchased care components of the military health system, the use of telehealth services as required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the impact made by the use of telehealth services, including mobile health applications, to carry out the actions specified in subparagraphs (A) through (F) of subsection (a)(1).

(B) **ELEMENTS.**—The report required under subparagraph (A) shall include an assessment of the following:

(i) The satisfaction of covered beneficiaries with telehealth services furnished by the Department of Defense.

(ii) The satisfaction of health care providers in providing telehealth services furnished by the Department.

(iii) The effect of telehealth services furnished by the Department on the following:

(I) The ability of covered beneficiaries to access health care services in the direct care and purchased care components of the military health system.

(II) The frequency of use of telehealth services by covered beneficiaries.

(III) The productivity of health care providers providing care furnished by the Department.

(IV) The reduction, if any, in the use by covered beneficiaries of health care services in military treatment facilities or medical facilities in the private sector.

(V) The number and types of appointments for the receipt of telehealth services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing telehealth services to covered beneficiaries.

(f) **REGULATIONS.**—

(1) **INTERIM FINAL RULE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe an interim final rule to implement this section.

(2) **FINAL RULE.**—Not later than 180 days after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Secretary shall prescribe a final rule to implement this section.

(3) **OBJECTIVES.**—The regulations prescribed under paragraphs (1) and (2) shall accomplish the objectives set forth in subsection (a) and ensure quality of care, patient safety, and the integrity of the TRICARE program.

(g) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

**SEC. 719. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.**

(a) **REIMBURSEMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) **AMOUNT OF REIMBURSEMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) **LIMITATION.**—The amount determined under this paragraph to provide vaccines to covered beneficiaries through a State vaccination program may not exceed the amount that the Department would reimburse an entity under the TRICARE program for providing vaccines to the number of covered beneficiaries who were involved in the applicable State vaccination program.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED BENEFICIARY; TRICARE PROGRAM.**—The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

(2) **STATE VACCINATION PROGRAM.**—The term “State vaccination program” means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

**Subtitle C—Health Care Administration**

**SEC. 721. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.**

(a) **LIMITED AUTHORITY FOR CONVERSION.**—

(1) **AUTHORITY.**—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

**“§977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation**

“(a) **PROCESS.**—The Secretary of Defense, in collaboration with the Secretaries of the military

departments, shall establish a process to define the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

“(b) **REQUIREMENTS RELATING TO CONVERSION.**—A military medical or dental position within the Department of Defense may be converted to a civilian medical or dental position if the Secretary determines that the position is not necessary to meet operational medical force readiness requirements, as determined pursuant to subsection (a).

“(c) **GRADE OR LEVEL CONVERTED.**—In carrying out a conversion under subsection (b), the Secretary of Defense—

“(1) shall convert the applicable military position to a civilian position with a level of compensation commensurate with the skills and experience necessary to carry out the duties of such civilian position; and

“(2) may not place any limitation on the grade or level to which the military position is so converted.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘military medical or dental position’ means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

“(2) The term ‘civilian medical or dental position’ means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

“(3) The term ‘conversion’, with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

“977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.”

(3) **EFFECTIVE DATE OF CONVERSION AUTHORITY.**—The Secretary of Defense may not carry out section 977(b) of title 10, United States Code, as added by paragraph (1), until the date that is 180 days after the date on which the Secretary submits the report under subsection (b).

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the following:

(1) A description of the process established under section 977(a) of title 10, United States Code, as added by subsection (a), to define the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

(2) A complete list, by position, of the military medical and dental personnel requirements necessary to meet operational medical force readiness requirements.

(c) **CONFORMING REPEAL.**—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

**SEC. 722. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE FOR THE COAST GUARD.**

(a) **IN GENERAL.**—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

**“§520. Prospective payment of funds necessary to provide medical care**

“(a) **PROSPECTIVE PAYMENT REQUIRED.**—In lieu of the reimbursement required under section

1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

“(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

“(2) for which a reimbursement would otherwise be made under section 1085.

“(b) AMOUNT.—The amount of the prospective payment under subsection (a) shall be—

“(1) in the case of treatment or care to be provided to members of the Coast Guard and their dependents, derived from amounts appropriated for the operating expenses of the Coast Guard;

“(2) in the case of treatment or care to be provided former members of the Coast Guard and their dependents, derived from amounts appropriated for retired pay;

“(3) determined under procedures established by the Secretary of Defense;

“(4) paid during the fiscal year in which treatment or care is provided; and

“(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

“(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

“(d) RELATIONSHIP TO TRICARE.—This section shall not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“520. Prospective payment of funds necessary to provide medical care.”

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114-120), as amended by section 3503, and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

**SEC. 723. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.**

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) An” and inserting “An”; and

(2) by striking paragraph (2).

**SEC. 724. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.**

(a) IN GENERAL.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

“(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the ‘University’) with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

“(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

“(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.”

(b) ADMINISTRATION.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking “located in or near the District of Columbia”;;

(B) in the third sentence, by striking “in or near the District of Columbia”; and

(C) by striking the fifth sentence; and

(2) in subsection (e)(3), by inserting after “programs” the following: “, including certificate, certification, and undergraduate degree programs.”

(c) REPEAL OF EXPIRED PROVISION.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) CLOSURE PROHIBITED.—”.

**SEC. 725. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.**

(a) IN GENERAL.—Except as provided by subsection (c), not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces.

(b) MEASURES.—The measures under subsection (a) shall include measures under which the Secretary ensures the following:

(1) Medical services provided through the military health system at military medical treatment facilities—

(A) maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensure the medical readiness of the Armed Forces.

(2) The authorized strengths for military and civilian personnel throughout the military health system—

(A) maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensure the medical readiness of the Armed Forces.

(3) The infrastructure in the military health system, including infrastructure of military medical treatment facilities—

(A) maintains the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) ensures the medical readiness of the Armed Forces.

(4) Any covered beneficiary who may be affected by the measures implemented under subsection (a) will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military medical treatment facility by reason of such measures.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a)(1) with respect to military medical treatment facilities located in a foreign country if the Secretary determines that providing medical services in addition to the medical services described in such subsection is necessary to ensure that covered beneficiaries located in that foreign country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) DEFINITIONS.—In this section:

(1) The term “clinical and logistical capabilities” means those capabilities relating to the provision of health care that are necessary to accomplish operational requirements, including—

(A) combat casualty care;

(B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

(C) diagnosis and treatment of infectious diseases;

(D) aerospace medicine;

(E) undersea medicine;

(F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

(G) diagnosis and treatment of diseases and injuries that are not related to battle; and

(H) humanitarian assistance.

(2) The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

(3) The term “critical wartime medical readiness skills and core competencies” means those essential medical capabilities, including clinical and logistical capabilities, that are—

(A) necessary to be maintained by health care providers within the Armed Forces for national security purposes; and

(B) vital to the provision of effective and timely health care during contingency operations.

**SEC. 726. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY MEDICAL TREATMENT FACILITIES.**

(a) PROGRAM.—Beginning not later than January 1, 2018, the Secretary of Defense shall implement a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military medical treatment facilities, as selected by the Secretary;

(2) to incorporate such best practices into the daily operations of military medical treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to facilities that provide specialty care; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military medical treatment facilities selected by the Secretary for purposes of the program.

(b) USE OF CLINICAL PRACTICE GUIDELINES.—In carrying out the program under subsection (a), the Secretary shall develop, implement, monitor, and update clinical practice guidelines reflecting the best practices established under paragraph (1) of such subsection.

(c) DEVELOPMENT.—In developing the clinical practice guidelines under subsection (b), the Secretary shall ensure that such development includes a baseline assessment of health care delivery and outcomes at military medical treatment facilities to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating the diseases or conditions selected by the Secretary under subsection (a)(1).

(d) IMPLEMENTATION.—The Secretary shall implement the clinical practice guidelines under subsection (b) in military medical treatment facilities selected by the Secretary under subsection (a)(2) using means determined appropriate by the Secretary, including by communicating with the relevant health care providers of the evidence upon which the guidelines are based and by providing education and training on the most appropriate implementation of the guidelines.

(e) MONITORING.—The Secretary shall monitor the implementation of the clinical practice guidelines under subsection (b) using appropriate means, including by monitoring the results in clinical outcomes based on specific metrics included as part of the guidelines.

(f) UPDATING.—The Secretary shall periodically update the clinical practice guidelines under subsection (b) based on the results of monitoring conducted under subsection (e) and by continuously assessing evidence-based best practices within the direct care component of the military health system and the private sector.

(g) CONTINUOUS CYCLE.—The Secretary shall establish a continuous cycle of carrying out subsections (c) through (f) with respect to the clinical practice guidelines established under subsection (a).

**SEC. 727. ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.****(a) ACQUISITION STRATEGY.—**

(1) **IN GENERAL.**—The Secretary of Defense shall develop and carry out a performance-based, strategic sourcing acquisition strategy with respect to entering into contracts for the services of health care professional staff at military medical treatment facilities located in a State.

(2) **ELEMENTS.**—The acquisition strategy under paragraph (1) shall include the following:

(A) Except as provided by subparagraph (B), a requirement that all the military medical treatment facilities that provide direct care use contracts described under paragraph (1).

(B) A process for a military medical treatment facility to obtain a waiver of the requirement under subparagraph (A) in order to use an acquisition strategy not described in paragraph (1).

(C) Identification of the responsibilities of the military departments and the elements of the Department of Defense in carrying out such strategy.

(D) Projection of the demand by covered beneficiaries for health care services, including with respect to primary care and expanded-hours urgent care services.

(E) Estimation of the workload gaps at military medical treatment facilities for health care services, including with respect to primary care and expanded-hours urgent care services.

(F) Methods to analyze, using reliable and detailed data covering the entire direct care component of the military health system, the amount of funds expended on contracts for the services of health care professional staff.

(G) Methods to identify opportunities to consolidate requirements for such services and reduce cost.

(H) Methods to measure cost savings that are realized by using such contracts instead of purchased care.

(I) Metrics to determine the effectiveness of such strategy.

(J) Metrics to evaluate the success of the strategy in achieving its objectives, including metrics to assess the effects of the strategy on the timeliness of beneficiary access to professional health care services in military medical treatment facilities.

(K) Such other matters as the Secretary considers appropriate.

(b) **REPORT.**—Not later than July 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of implementing the acquisition strategy under paragraph (1) of subsection (a), including how each element under subparagraphs (A) through (K) of paragraph (2) of such subsection is being carried out.

**(c) DEFINITIONS.—**In this section:

(1) The term “covered beneficiary” has the meaning given that term in section 1072 of title 10, United States Code.

(2) The term “State” means the several States and the District of Columbia.

(d) **CONFORMING REPEAL.**—Section 725 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091 note) is repealed.

**SEC. 728. ADOPTION OF CORE QUALITY PERFORMANCE METRICS.****(a) ADOPTION.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall adopt, to the extent appropriate, the core quality performance metrics agreed upon by the Core Quality Measures Collaborative for use by the military health system and in contracts awarded to carry out the TRICARE program.

(2) **CORE MEASURES.**—The core quality performance metrics described in paragraph (1) shall include the following sets:

(A) Accountable care organizations, patient centered medical homes, and primary care.

(B) Cardiology.

(C) Gastroenterology.

(D) HIV and hepatitis C.

(E) Medical oncology.

(F) Obstetrics and gynecology.

(G) Orthopedics.

(H) Such other sets of core quality performance metrics released by the Core Quality Measures Collaborative as the Secretary considers appropriate.

**(b) PUBLICATION.—**

(1) **ONLINE AVAILABILITY.**—Section 1073b of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking “Not later than” and all that follows through “2016, the Secretary” and inserting “The Secretary”; and

(ii) by adding at the end the following new sentence: “Such data shall include the core quality performance metrics adopted by the Secretary under section 728 of the National Defense Authorization Act for Fiscal Year 2017.”; and

(B) in the section heading, by inserting “and publication of certain data” after “reports”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1073b and inserting the following:

“1073b. Recurring reports and publication of certain data.”.

**(c) DEFINITIONS.—**In this section:

(1) The term “Core Quality Measures Collaborative” means the collaboration between the Centers for Medicare & Medicaid Services, major health insurance companies, national physician organizations, and other entities to reach consensus on core performance measures reported by health care providers.

(2) The term “TRICARE program” has the meaning given that term in section 1072 of title 10, United States Code.

**SEC. 729. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.****(a) MEDICAL INTERVENTION INCENTIVE PROGRAM.—**

(1) **IN GENERAL.**—The Secretary of Defense shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost-share amounts for health care services during a particular year for covered beneficiaries with chronic diseases or conditions described in paragraph (2) who met participation milestones, as determined by the Secretary, in the previous year in such medical intervention programs.

(2) **CHRONIC DISEASES OR CONDITIONS DESCRIBED.**—Chronic diseases or conditions described in this paragraph may include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(b) **LIFESTYLE INTERVENTION INCENTIVE PROGRAM.**—The Secretary shall establish a program to incentivize lifestyle interventions for covered beneficiaries, such as smoking cessation and weight reduction, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones, as determined by the Secretary, in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage.

(c) **HEALTHY LIFESTYLE MAINTENANCE INCENTIVE PROGRAM.**—The Secretary shall establish a

program to incentivize the maintenance of a healthy lifestyle among covered beneficiaries, such as exercise and weight maintenance, that may include lowering fees for enrollment in the TRICARE program by a certain percentage or lowering copayment and cost-share amounts for health care services during a particular year for covered beneficiaries who met participation milestones, as determined by the Secretary, in the previous year with respect to the maintenance of a healthy lifestyle, such as maintaining smoking cessation or maintaining a normal body mass index.

**(d) REPORT.—**

(1) **IN GENERAL.**—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (a), (b), and (c).

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

(A) A detailed description of the programs implemented under subsections (a), (b), and (c).

(B) An assessment of the impact of such programs on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(e) **REGULATIONS.**—Not later than January 1, 2018, the Secretary shall prescribe an interim final rule to carry out this section.

(f) **DEFINITIONS.**—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

**SEC. 730. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH SYSTEM OF CERTAIN LEADERS WITHIN THE SYSTEM.**

(a) **IN GENERAL.**—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall incorporate into the annual performance review of each military and civilian leader in the military health system, as determined by the Secretary of Defense, measures of accountability for the performance of the military health system described in subsection (b).

(b) **MEASURES OF ACCOUNTABILITY FOR PERFORMANCE.**—The measures of accountability for the performance of the military health system incorporated into the annual performance review of an individual pursuant to this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Access of beneficiaries to care.

(3) Improvement in health outcomes for beneficiaries.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate.

**(c) REPORT ON IMPLEMENTATION.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation of measures of accountability for the performance of the military health system into the annual performance reviews of individuals as required by this section.

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

(A) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health system.

(B) The identification of each leadership position in the military health system determined under subsection (a) and a description of the

specific measures of accountability for performance to be incorporated into the annual performance reviews of each such position pursuant to this section.

**SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.**

(a) *IN GENERAL.*—The Secretary of Defense shall establish, under such regulations as the Secretary may prescribe, an advisory committee for each military treatment facility.

(b) *STATUS OF CERTAIN MEMBERS OF ADVISORY COMMITTEES.*—A member of an advisory committee established under subsection (a) who is not a member of the Armed Forces on active duty or an employee of the Federal Government shall, with the approval of the commanding officer or director of the military treatment facility concerned, be treated as a volunteer under section 1588 of title 10, United States Code, in carrying out the duties of the member under this section.

(c) *DUTIES.*—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility as it relates to the experience of care for beneficiaries at such facility.

**Subtitle D—Reports and Other Matters**

**SEC. 741. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND AND REPORT ON IMPLEMENTATION OF INFORMATION TECHNOLOGY CAPABILITIES.**

(a) *IN GENERAL.*—Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) and section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking “September 30, 2017” and inserting “September 30, 2018”.

(b) *REPORT ON IMPLEMENTATION OF INFORMATION TECHNOLOGY CAPABILITIES.*—Not later than March 30, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on plans to implement all information technology capabilities required by the executive agreement entered into under section 1701(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567) that remain unimplemented as of the date of the report.

**SEC. 742. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.**

(a) *IN GENERAL.*—The Secretary of Defense may conduct a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.

**(b) REPORT ON PILOT PROGRAM.—**

(1) *IN GENERAL.*—If the Secretary conducts the pilot program under this section, not later than 90 days after the date on which the Secretary completes the conduct of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

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

(A) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(B) An assessment of potential cost savings, if any, to the Department of Defense resulting from the pilot program.

(C) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(D) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

**SEC. 743. PILOT PROGRAM FOR PRESCRIPTION DRUG ACQUISITION COST PARITY IN THE TRICARE PHARMACY BENEFITS PROGRAM.**

(a) *AUTHORITY TO ESTABLISH PILOT PROGRAM.*—The Secretary of Defense may conduct a pilot program to evaluate whether, in carrying out the TRICARE pharmacy benefits program under section 1074g of title 10, United States Code, extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce prescription drug costs for the Department of Defense.

(b) *ELEMENTS OF PILOT PROGRAM.*—In carrying out the pilot program under subsection (a), the Secretary shall require that for prescription medications, including non-generic maintenance medications, that are dispensed to TRICARE beneficiaries that are not Medicare eligible, through any TRICARE participating retail pharmacy, including small business pharmacies, manufacturers shall pay rebates such that those medications are available to the Department at the lowest rate available. In addition to utilizing the authority under section 1074g(f) of title 10, United States Code, the Secretary shall have the authority to enter into a blanket purchase agreement with prescription drug manufacturers for supplemental discounts for prescription drugs dispensed in the pilot to be paid in the form of manufacturer’s rebates.

(c) *CONSULTATION.*—The Secretary shall develop the pilot program in consultation with—

(1) the Secretaries of the military departments;

(2) the Chief of the Pharmacy Operations Division of the Defense Health Agency; and

(3) stakeholders, including TRICARE beneficiaries and retail pharmacies.

(d) *DURATION OF PILOT PROGRAM.*—If the Secretary carries out the pilot program under subsection (a), the Secretary shall commence such pilot program no later than October 1, 2017, and shall terminate such program no later than September 30, 2018.

(e) *REPORTS.*—If the Secretary carries out the pilot program under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives reports on the pilot program as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a report containing an implementation plan for the pilot program.

(2) Not later than 180 days after the date on which the pilot program commences, an interim report on the pilot program.

(3) Not later than 90 days after the date on which the pilot program terminates, a final report describing the results of the pilot program, including—

(A) any recommendations of the Secretary to expand such program;

(B) an analysis of the changes in prescription drug costs for the Department of Defense relating to the pilot program;

(C) an analysis of the impact on beneficiary access to prescription drugs;

(D) a survey of beneficiary satisfaction with the pilot program; and

(E) a summary of any fraud and abuse activities related to the pilot and actions taken in response by the Department.

**SEC. 744. PILOT PROGRAM ON DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS AND PHARMACIES OF MILITARY MEDICAL TREATMENT FACILITIES.**

(a) *PILOT PROGRAM AUTHORIZED.*—Beginning not later than one year after the date of the en-

actment of this Act, the Secretary of Defense shall carry out a pilot program for the display of wait times in urgent care clinics and pharmacies of military medical treatment facilities selected under subsection (b).

**(b) SELECTION OF FACILITIES.—**

(1) *CATEGORIES.*—The Secretary shall select not fewer than four military medical treatment facilities from each of the following categories to participate in the pilot program:

(A) Medical centers.

(B) Hospitals.

(C) Ambulatory care centers.

(2) *OCONUS LOCATIONS.*—Of the military medical treatment facilities selected under each category described in subparagraphs (A) through (C) of paragraph (1), not fewer than one shall be located outside of the continental United States.

(3) *CONTRACTOR-OPERATED FACILITIES.*—The Secretary may select Government-owned, contractor-operated facilities among those military medical treatment facilities selected under paragraph (1).

**(c) URGENT CARE CLINICS.—**

(1) *PLACEMENT.*—With respect to each military medical treatment facility participating in the pilot program with an urgent care clinic, the Secretary shall place in a conspicuous location at the urgent care clinic an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.

(2) *DETERMINATION.*—In carrying out paragraph (1), every 30 minutes, the Secretary shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic and ending at the time at which the patient is first seen by a qualified medical professional.

**(d) PHARMACIES.—**

(1) *PLACEMENT.*—With respect to each military medical treatment facility participating in the pilot program with a pharmacy, the Secretary shall place in a conspicuous location at the pharmacy an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) *DETERMINATION.*—In carrying out paragraph (1), every 30 minutes, the Secretary shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription for a pharmaceutical agent and ending at the time at which the pharmacy dispenses the pharmaceutical agent to the patient.

(e) *DURATION.*—The Secretary shall carry out the pilot program for a period that is not more than two years.

**(f) REPORT.—**

(1) *SUBMISSION.*—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the pilot program.

(2) *ELEMENTS.*—The report under paragraph (1) shall include—

(A) the costs for displaying the wait times under subsections (c) and (d);

(B) any changes in patient satisfaction;

(C) any changes in patient behavior with respect to using urgent care and pharmacy services;

(D) any changes in pharmacy operations and productivity;

(E) a cost-benefit analysis of posting such wait times; and

(F) the feasibility of expanding the posting of wait times in emergency departments in military medical treatment facilities.

(g) *QUALIFIED MEDICAL PROFESSIONAL DEFINED.*—In this section, the term “qualified medical professional” means a doctor of medicine, a doctor of osteopathy, a physician assistant, or an advanced registered nurse practitioner.

**SEC. 745. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.**

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress;

(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress; and

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities.

(b) *PHARMACEUTICAL AGENT DEFINED.*—In this section, the term “pharmaceutical agent” has the meaning given that term in section 1074(g) of title 10, United States Code.

**SEC. 746. DEPARTMENT OF DEFENSE STUDY ON PREVENTING THE DIVERSION OF OPIOID MEDICATIONS.**

(a) *STUDY.*—The Secretary of Defense shall conduct a study on the feasibility and effectiveness in preventing the diversion of opioid medications of the following measures:

(1) Requiring that, in appropriate cases, opioid medications be dispensed in vials using affordable technologies designed to prevent access to the medications by anyone other than the intended patient, such as a vial with a locking-cap closure mechanism.

(2) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed, and to their families, with special consideration given to raising awareness among adolescents on such risks.

(b) *BRIEFING.*—

(1) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).

(2) *ELEMENTS.*—The briefing under paragraph (1) shall include an assessment of the cost effectiveness of the measures studied under subsection (a).

**SEC. 747. INCORPORATION INTO SURVEY BY DEPARTMENT OF DEFENSE OF QUESTIONS ON EXPERIENCES OF MEMBERS OF THE ARMED FORCES WITH FAMILY PLANNING SERVICES AND COUNSELING.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall initiate action to integrate into the Health Related Behavior Survey of Active Duty Military Personnel questions designed to obtain information on the experiences of members of the Armed Forces—

(1) in accessing family planning services and counseling; and

(2) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used.

**SEC. 748. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.**

(a) *ASSESSMENT OF TRANSITION TO TRICARE PROGRAM.*—

(1) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving

on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) *ELEMENTS.*—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).

(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on the health care experience of such family members.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) *REPORT.*—

(A) *IN GENERAL.*—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) *ANALYSIS OF RECOMMENDATIONS.*—The report required by subparagraph (A) shall include an analysis of each recommendation for legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) *EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.*—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking “in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title”.

(c) *DEFINITIONS.*—In this section, the terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

**SEC. 749. OVERSIGHT OF GRADUATE MEDICAL EDUCATION PROGRAMS OF MILITARY DEPARTMENTS.**

(a) *PROCESS.*—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish and implement a process to provide oversight of the graduate medical education programs of the military departments to ensure that such programs fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces. The process shall include the following:

(1) A process to review such programs to ensure, to the extent practicable, that such programs are—

(A) conducted jointly among the military departments; and

(B) focused on, and related to, operational medical force readiness requirements.

(2) A process to minimize duplicative programs relating to such programs among the military departments.

(3) A process to ensure that—

(A) assignments of faculty, support staff, and students within such programs are coordinated among the military departments; and

(B) the Secretary optimizes resources by using military medical treatment facilities as training platforms when and where most appropriate.

(4) A process to review and, if necessary, restructure or realign, such programs to sustain and improve operational medical force readiness.

(b) *REPORT.*—Not later than 30 days after the date on which the Secretary establishes the process under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that describes such process. The report shall include a description of each graduate medical education program of the military departments, categorized by the following:

(1) Programs that provide direct support to operational medical force readiness.

(2) Programs that provide indirect support to operational medical force readiness.

(3) Academic programs that provide other medical support.

(c) *COMPTROLLER GENERAL REVIEW AND REPORT.*—

(1) *REVIEW.*—The Comptroller General of the United States shall conduct a review of the process established under subsection (a), including with respect to each process described in paragraphs (1) through (4) of such subsection.

(2) *REPORT.*—Not later than 180 days after the date on which the Secretary submits the report under subsection (b), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives the review conducted under paragraph (1), including an assessment of the elements of the process established under subsection (a).

**SEC. 750. STUDY ON HEALTH OF HELICOPTER AND TILTROTOR PILOTS.**

(a) *STUDY REQUIRED.*—The Secretary of Defense shall carry out a study of career helicopter and tiltrotor pilots to assess potential links between the operation of helicopter and tiltrotor aircraft and acute and chronic medical conditions experienced by such pilots.

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

(1) A study of career helicopter and tiltrotor pilots compared to a control population that—

(A) takes into account the amount of time such pilots operated aircraft;

(B) examines the severity and rates of acute and chronic injuries experienced by such pilots; and

(C) determines whether such pilots experience a higher degree of acute and chronic medical conditions than the control population.

(2) If a higher degree of acute and chronic medical conditions is observed among such pilots, an explanation of—

(A) the specific causes of the conditions (such as whole body vibration, seat and cockpit ergonomics, landing loads, hard impacts, and pilot-worn gear); and

(B) any costs associated with treating the conditions if the causes are not mitigated.

(3) A review of relevant scientific literature and prior research.

(4) Such other information as the Secretary determines to be appropriate.

(c) *DURATION.*—The duration of the study under subsection (a) shall be not more than two years.

(d) *REPORT.*—Not later than 30 days after the completion of the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study.

**SEC. 751. COMPTROLLER GENERAL REPORTS ON HEALTH CARE DELIVERY AND WASTE IN MILITARY HEALTH SYSTEM.**

(a) *IN GENERAL.*—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter for four years, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the delivery of health care in the military health system, with an emphasis on identifying potential waste and inefficiency.

(b) *ELEMENTS.*—

(1) *IN GENERAL.*—The reports submitted under subsection (a) shall, within the direct and purchased care components of the military health system, evaluate the following:

(A) Processes for ensuring that health care providers adhere to clinical practice guidelines.

(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) *ADDITIONAL INFORMATION.*—The reports submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including eliminating waste and inefficiency in the direct and purchased care components of the military health system.

(c) *DEFINITIONS.*—In this section, the terms “covered beneficiary” and “TRICARE program” have the meaning given those terms in section 1072 of title 10, United States Code.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS***Subtitle A—Acquisition Policy and Management*

Sec. 801. Rapid acquisition authority amendments.

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. Modernization of services acquisition.

Sec. 804. Defense Modernization Account amendments.

*Subtitle B—Department of Defense Acquisition Agility*

Sec. 805. Modular open system approach in development of major weapon systems.

Sec. 806. Development, prototyping, and deployment of weapon system components or technology.

Sec. 807. Cost, schedule, and performance of major defense acquisition programs.

Sec. 808. Transparency in major defense acquisition programs.

Sec. 809. Amendments relating to technical data rights.

*Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations*

Sec. 811. Modified restrictions on undefinitized contractual actions.

Sec. 812. Amendments relating to inventory and tracking of purchases of services.

Sec. 813. Use of lowest price technically acceptable source selection process.

Sec. 814. Procurement of personal protective equipment.

Sec. 815. Amendments related to detection and avoidance of counterfeit electronic parts.

Sec. 816. Amendments to special emergency procurement authority.

Sec. 817. Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

Sec. 818. Extension of authority for enhanced transfer of technology developed at Department of Defense laboratories.

Sec. 819. Modified notification requirement for exercise of waiver authority to acquire vital national security capabilities.

Sec. 820. Defense cost accounting standards.

Sec. 821. Increased micro-purchase threshold applicable to Department of Defense procurements.

Sec. 822. Enhanced competition requirements.

Sec. 823. Revision to effective date of senior executive benchmark compensation for allowable cost limitations.

Sec. 824. Treatment of independent research and development costs on certain contracts.

Sec. 825. 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. 826. Extension of program for comprehensive small business contracting plans.

Sec. 827. 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. 828. Defense Acquisition Challenge Program amendments.

Sec. 829. Preference for fixed-price contracts.

Sec. 830. Requirement to use firm fixed-price contracts for foreign military sales.

Sec. 831. Preference for performance-based contract payments.

Sec. 832. Contractor incentives to achieve savings and improve mission performance.

Sec. 833. Sunset and repeal of certain contracting provisions.

Sec. 834. Flexibility in contracting award program.

Sec. 835. Protection of task order competition.

Sec. 836. Contract closeout authority.

Sec. 837. Closeout of old Department of the Navy contracts.

*Subtitle D—Provisions Relating to Major Defense Acquisition Programs*

Sec. 841. Change in date of submission to Congress of Selected Acquisition Reports.

Sec. 842. Amendments relating to independent cost estimation and cost analysis.

Sec. 843. Revisions to Milestone B determinations.

Sec. 844. Review and report on sustainment planning in the acquisition process.

Sec. 845. Revision to distribution of annual report on operational test and evaluation.

Sec. 846. Repeal of major automated information systems provisions.

Sec. 847. Revisions to definition of major defense acquisition program.

Sec. 848. Acquisition strategy.

Sec. 849. Improved life-cycle cost control.

Sec. 850. Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting.

Sec. 851. Reporting of small business participation on Department of Defense programs.

Sec. 852. Waiver of congressional notification for acquisition of tactical missiles and munitions greater than quantity specified in law.

Sec. 853. Multiple program multiyear contract pilot demonstration program.

Sec. 854. Key performance parameter reduction pilot program.

Sec. 855. Mission integration management.

*Subtitle E—Provisions Relating to Acquisition Workforce*

Sec. 861. Project management.

Sec. 862. Authority to waive tenure requirement for program managers for program definition and program execution periods.

Sec. 863. Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used; advisory panel amendments.

Sec. 864. Department of Defense Acquisition Workforce Development Fund determination adjustment.

Sec. 865. Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments.

Sec. 866. Senior Military Acquisition Advisors in the Defense Acquisition Corps.

Sec. 867. Authority of the Secretary of Defense under the acquisition demonstration project.

*Subtitle F—Provisions Relating to Commercial Items*

Sec. 871. Market research for determination of price reasonableness in acquisition of commercial items.

Sec. 872. Value analysis for the determination of price reasonableness.

Sec. 873. Clarification of requirements relating to commercial item determinations.

Sec. 874. Inapplicability of certain laws and regulations to the acquisition of commercial items and commercially available off-the-shelf items.

Sec. 875. Use of commercial or non-Government standards in lieu of military specifications and standards.

Sec. 876. Preference for commercial services.

Sec. 877. Treatment of commingled items purchased by contractors as commercial items.

Sec. 878. Treatment of services provided by non-traditional contractors as commercial items.

Sec. 879. Defense pilot program for authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures.

Sec. 880. Pilot programs for authority to acquire innovative commercial items using general solicitation competitive procedures.

*Subtitle G—Industrial Base Matters*

Sec. 881. Greater integration of the national technology and industrial base.

Sec. 882. Integration of civil and military roles in attaining national technology and industrial base objectives.

Sec. 883. Pilot program for distribution support and services for weapon systems contractors.

Sec. 884. Nontraditional and small contractor innovation prototyping program.

*Subtitle H—Other Matters*

- Sec. 885. Report on bid protests.
- Sec. 886. Review and report on indefinite delivery contracts.
- Sec. 887. Review and report on contractual flow-down provisions.
- Sec. 888. Requirement and review relating to use of brand names or brand-name or equivalent descriptions in solicitations.
- Sec. 889. Inclusion of information on common grounds for sustaining bid protests in annual Government Accountability Office reports to Congress.
- Sec. 890. Study and report on contracts awarded to minority-owned and women-owned businesses.
- Sec. 891. Authority to provide reimbursable auditing services to certain non-Defense Agencies.
- Sec. 892. Selection of service providers for auditing services and audit readiness services.
- Sec. 893. Amendments to contractor business system requirements.
- Sec. 894. Improved management practices to reduce cost and improve performance of certain Department of Defense organizations.
- Sec. 895. Exemption from requirement for capital planning and investment control for information technology equipment included as integral part of a weapon or weapon system.
- Sec. 896. Modifications to pilot program for streamlining awards for innovative technology projects.
- Sec. 897. Rapid prototyping funds for the military departments.
- Sec. 898. Establishment of Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity; Defense Acquisition University training.
- Sec. 899. Coast Guard major acquisition programs.
- Sec. 899A. Enhanced authority to acquire products and services produced in Africa in support of certain activities.

**Subtitle A—Acquisition Policy and Management**

**SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.**

Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note) is amended—

- (1) in subsection (a)(1)—
- (A) in subparagraph (A), by striking “; or” and inserting a semicolon;
- (B) in subparagraph (B), by striking “; and” and inserting “; or”; and
- (C) by adding at the end the following new subparagraph:
- “(C) developed or procured under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note); and”;
- (2) in subsection (b), by adding at the end the following new paragraph:
- “(3) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note).”; and
- (3) in subsection (c)—
- (A) in paragraph (2)(A)—
- (i) by striking “Whenever the Secretary” and inserting “(i) Except as provided under clause (ii), whenever the Secretary”; and
- (ii) by adding at the end the following new clause:
- “(ii) Clause (i) does not apply to acquisitions initiated in the case of a determination by the

Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) if the designated official for acquisitions using such pathways is the service acquisition executive.”;

- (B) in paragraph (3)—
- (i) in subparagraph (A), by inserting “or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) based on a compelling national security need,” after “of paragraph (1),”;
- (ii) in subparagraph (B)—
- (I) by striking “The authority” and inserting “Except as provided under subparagraph (C), the authority”;
- (II) in clause (ii), by striking “; and” and inserting a semicolon;
- (III) in clause (iii), by striking the period at the end and inserting “; and”; and
- (IV) by adding at the end the following new clause:
- “(iv) in the case of a determination by the Secretary that funds are necessary to 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), in an amount not more than \$200,000,000 during any fiscal year.”; and
- (iii) by adding at the end the following new subparagraph:
- “(C) For each of fiscal years 2017 and 2018, the limits set forth in clauses (i) and (ii) of subparagraph (B) do not apply to the exercise of authority under such clauses provided that the total amount of supplies and associated support services acquired as provided under such subparagraph does not exceed \$800,000,000 during such fiscal year.”;
- (C) in paragraph (4)—
- (i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and
- (ii) by inserting after subparagraph (B) the following new subparagraph:
- “(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note), the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.”; and
- (D) in paragraph (5)—
- (i) by striking “Any acquisition” and inserting “(A) Any acquisition”; and
- (ii) by adding at the end the following new subparagraph:
- “(B) Subparagraph (A) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note).”.

**SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.**

(a) ASSISTANT SECRETARIES OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: “In the event of a va-

cancy in the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”.

(b) ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: “In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”.

(c) ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: “In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”.

**SEC. 803. MODERNIZATION OF SERVICES ACQUISITION.**

(a) REVIEW OF SERVICES ACQUISITION CATEGORIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and, if necessary, revise Department of Defense Instruction 5000.74, dated January 5, 2016 (in this section referred to as the “Acquisition of Services Instruction”), and other guidance pertaining to the acquisition of services. In conducting the review, the Secretary shall examine—

- (1) how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services; and
- (2) the services acquisition portfolio groups referenced in the Acquisition of Services Instruction and other guidance in order to ensure the portfolio groups are fully reflective of changes to the technology and professional services market.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance addressing the training and development of the Department of Defense workforce engaged in the procurement of services, including those personnel not designated as members of the acquisition workforce.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—Any training and professional development provided pursuant to this subsection outside Department of Defense institutions shall be deemed to be equivalent to similar training certified or provided by the Defense Acquisition University.

**SEC. 804. DEFENSE MODERNIZATION ACCOUNT AMENDMENTS.**

(a) FUNDS AVAILABLE FOR ACCOUNT.—Section 2216(b)(1) of title 10, United States Code, is amended by striking “commencing”.

(b) TRANSFERS TO ACCOUNT.—Section 2216(c) of such title is amended—

- (1) in paragraph (1)(A)—
- (A) by striking “or the Secretary of Defense with respect to Defense-wide appropriations accounts” and inserting “, or the Secretary of Defense with respect to Defense-wide appropriations accounts.”; and
- (B) by striking “that Secretary” and inserting “the Secretary concerned”;
- (2) in paragraph (1)(B)—

(A) by inserting after “following funds” the following: “that have been appropriated for fiscal years after fiscal year 2016 and are”;

(B) in clause (i)—  
(i) by striking “for procurement” and inserting “for new obligations”;

(ii) by striking “a particular procurement” and inserting “an acquisition program”;

(iii) by striking “that procurement” and inserting “that program”;

(C) by striking clause (ii); and

(D) by redesignating clause (iii) as clause (ii);

(3) in paragraph (2)—

(A) by striking “, other than funds referred to in subparagraph (B)(iii) of such paragraph,”; and

(B) by striking “if—” and all that follows through “(B) the balance of funds” and inserting “if the balance of funds”;

(4) in paragraph (3)—

(A) by striking “credited to” both places it appears and inserting “deposited in”; and

(B) by inserting “and obligation” after “available for transfer”; and

(5) by striking paragraph (4).

(c) AUTHORIZED USE OF FUNDS.—Section 2216(d) of such title is amended—

(1) in paragraph (1)—

(A) by striking “commencing”; and

(B) by striking “Secretary of Defense” and inserting “Secretary concerned”;

(2) in paragraph (2), by striking “a procurement program” and inserting “an acquisition program”;

(3) by amending paragraph (3) to read as follows:

“(3) For research, development, test, and evaluation, for procurement, and for sustainment activities necessary for paying costs of unforeseen contingencies that are approved by the milestone decision authority concerned, that could prevent an ongoing acquisition program from meeting critical schedule or performance requirements.”; and

(4) by inserting at the end the following new paragraph:

“(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.”.

(d) LIMITATIONS.—Section 2216(e) of such title is amended—

(1) in paragraph (1), by striking “procurement program” both places it appears and inserting “acquisition program”;

(2) in paragraph (2), by striking “authorized appropriations” and inserting “authorized appropriations, unless the procedures for initiating a new start program are complied with”.

(e) TRANSFER OF FUNDS.—Section 2216(f)(1) of such title is amended by striking “Secretary of Defense” and inserting “Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts.”.

(f) AVAILABILITY OF FUNDS BY APPROPRIATION.—Section 2216(g) of such title is amended—

(1) by striking “in accordance with the provisions of appropriations Acts”; and

(2) by adding at the end the following: “Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.”.

(g) SECRETARY TO ACT THROUGH CONTROLLER.—Section 2216(h)(2) of such title is amended—

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

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) the establishment and management of subaccounts for each of the military departments and Defense Agencies concerned for the use of funds in the Defense Modernization Ac-

count, consistent with each military department’s or Defense Agency’s deposits in the Account”;

(3) in subparagraph (C), as so redesignated, by inserting “and subaccounts” after “Account”; and

(4) in subparagraph (D), as so redesignated, by striking “subsection (c)(1)(B)(iii)” and inserting “subsection (c)(1)(B)(ii)”.

(h) DEFINITIONS.—Paragraph (1) of section 2216(i) of such title is amended to read as follows:

“(1) The term ‘major defense acquisition program’ has the meaning given the term in section 2430(a) of this title.”.

(j) EXPIRATION OF AUTHORITY.—Section 2216(j)(1) of such title is amended by striking “terminates at the close of September 30, 2006” and inserting “terminates at the close of September 30, 2022”.

**Subtitle B—Department of Defense Acquisition Agility**

**SEC. 805. MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF MAJOR WEAPON SYSTEMS.**

(a) MODULAR OPEN SYSTEM APPROACH.—

(1) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144A the following new chapter:

**“CHAPTER 144B—WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS**

**“Subchapter Sec.**

**“I. Modular Open System Approach in Development of Weapon Systems ... 2446a**

**“II. Development, Prototyping, and Deployment of Weapon System Components and Technology ..... 2447a**

**“III. Cost, Schedule, and Performance of Major Defense Acquisition Programs ..... 2448a**

**“SUBCHAPTER I—MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF WEAPON SYSTEMS**

**“Sec.**

**“2446a. Requirement for modular open system approach in major defense acquisition programs; definitions.**

**“2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design.**

**“2446c. Requirements relating to availability of major system interfaces and support for modular open system approach.**

**“§2446a. Requirement for modular open system approach in major defense acquisition programs; definitions**

**“(a) MODULAR OPEN SYSTEM APPROACH REQUIREMENT.—A major defense acquisition program that receives Milestone A or Milestone B approval after January 1, 2019, shall be designed and developed, to the maximum extent practicable, with a modular open system approach to enable incremental development and enhance competition, innovation, and interoperability.**

**“(b) DEFINITIONS.—In this chapter:**

**“(1) The term ‘modular open system approach’ means, with respect to a major defense acquisition program, an integrated business and technical strategy that—**

**“(A) employs a modular design that uses major system interfaces between a major system platform and a major system component, between major system components, or between major system platforms;**

**“(B) is subjected to verification to ensure major system interfaces comply with, if available and suitable, widely supported and consensus-based standards;**

**“(C) uses a system architecture that allows severable major system components at the appropriate level to be incrementally added, removed, or replaced throughout the life cycle of a major system platform to afford opportunities**

for enhanced competition and innovation while yielding—

**“(i) significant cost savings or avoidance;**

**“(ii) schedule reduction;**

**“(iii) opportunities for technical upgrades;**

**“(iv) increased interoperability, including system of systems interoperability and mission integration; or**

**“(v) other benefits during the sustainment phase of a major weapon system; and**

**“(D) complies with the technical data rights set forth in section 2320 of this title.**

**“(2) The term ‘major system platform’ means the highest level structure of a major weapon system that is not physically mounted or installed onto a higher level structure and on which a major system component can be physically mounted or installed.**

**“(3) The term ‘major system component’—**

**“(A) means a high level subsystem or assembly, including hardware, software, or an integrated assembly of both, that can be mounted or installed on a major system platform through well-defined major system interfaces; and**

**“(B) includes a subsystem or assembly that is likely to have additional capability requirements, is likely to change because of evolving technology or threat, is needed for interoperability, facilitates incremental deployment of capabilities, or is expected to be replaced by another major system component.**

**“(4) The term ‘major system interface’—**

**“(A) means a shared boundary between a major system platform and a major system component, between major system components, or between major system platforms, defined by various physical, logical, and functional characteristics, such as electrical, mechanical, fluidic, optical, radio frequency, data, networking, or software elements; and**

**“(B) is characterized clearly in terms of form, function, and the content that flows across the interface in order to enable technological innovation, incremental improvements, integration, and interoperability.**

**“(5) The term ‘program capability document’ means, with respect to a major defense acquisition program, a document that specifies capability requirements for the program, such as a capability development document or a capability production document.**

**“(6) The terms ‘program cost targets’ and ‘fielding target’ have the meanings provided in section 2448a(a) of this title.**

**“(7) The term ‘major defense acquisition program’ has the meaning provided in section 2430 of this title.**

**“(8) The term ‘major weapon system’ has the meaning provided in section 2379(f) of this title.**

**“§2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design**

**“(a) PROGRAM CAPABILITY DOCUMENT.—A program capability document for a major defense acquisition program shall identify and characterize—**

**“(1) the extent to which requirements for system performance are likely to evolve during the life cycle of the system because of evolving technology, threat, or interoperability needs; and**

**“(2) for requirements that are expected to evolve, the minimum acceptable capability that is necessary for initial operating capability of the major defense acquisition program.**

**“(b) ANALYSIS OF ALTERNATIVES.—The Director of Cost Assessment and Performance Evaluation, in formulating study guidance for analyses of alternatives for major defense acquisition programs and performing such analyses under section 139a(d)(4) of this title, shall ensure that any such analysis for a major defense acquisition program includes consideration of evolutionary acquisition, prototyping, and a modular open system approach.**

**“(c) ACQUISITION STRATEGY.—In the case of a major defense acquisition program that uses a**

modular open system approach, the acquisition strategy required under section 2431a of this title shall—

“(1) clearly describe the modular open system approach to be used for the program;

“(2) differentiate between the major system platform and major system components being developed under the program, as well as major system components developed outside the program that will be integrated into the major defense acquisition program;

“(3) clearly describe the evolution of major system components that are anticipated to be added, removed, or replaced in subsequent increments;

“(4) identify additional major system components that may be added later in the life cycle of the major system platform;

“(5) clearly describe how intellectual property and related issues, such as technical data deliverables, that are necessary to support a modular open system approach, will be addressed; and

“(6) clearly describe the approach to systems integration and systems-level configuration management to ensure mission and information assurance.

“(d) REQUEST FOR PROPOSALS.—The milestone decision authority for a major defense acquisition program that uses a modular open system approach shall ensure that a request for proposals for the development or production phases of the program shall describe the modular open system approach and the minimum set of major system components that must be included in the design of the major defense acquisition program.

“(e) MILESTONE B.—A major defense acquisition program may not receive Milestone B approval under section 2366b of this title until the milestone decision authority determines in writing that—

“(1) in the case of a program that uses a modular open system approach—

“(A) the program incorporates clearly defined major system interfaces between the major system platform and major system components, and between major system components, and between major system platforms;

“(B) such major system interfaces are consistent with the widely supported and consensus-based standards that exist at the time of the milestone decision, unless such standards are unavailable or unsuitable for particular major system interfaces; and

“(C) the Government has arranged to obtain appropriate and necessary intellectual property rights with respect to such major system interfaces upon completion of the development of the major system platform; or

“(2) in the case of a program that does not use a modular open system approach, that the use of a modular open system approach is not practicable.

“§2446c. Requirements relating to availability of major system interfaces and support for modular open system approach

“The Secretary of each military department shall—

“(1) coordinate with the other military departments, the defense agencies, defense and other private sector entities, national standards-setting organizations, and, when appropriate, with elements of the intelligence community with respect to the specification, identification, development, and maintenance of major system interfaces and standards for use in major system platforms, where practicable;

“(2) ensure that major system interfaces incorporate commercial standards and other widely supported consensus-based standards that are validated, published, and maintained by recognized standards organizations to the maximum extent practicable;

“(3) ensure that sufficient systems engineering and development expertise and resources are available to support the use of a modular open system approach in requirements development and acquisition program planning;

“(4) ensure that necessary planning, programming, and budgeting resources are provided to specify, identify, develop, and sustain the modular open system approach, associated major system interfaces, systems integration, and any additional program activities necessary to sustain innovation and interoperability; and

“(5) ensure that adequate training in the use of a modular open system approach is provided to members of the requirements and acquisition workforce.”

(2) CLERICAL AMENDMENT.—The table of chapters for title 10, United States Code, is amended by adding after the item relating to chapter 144A the following new item:

“144B. Weapon Systems Development and Related Matters ..... 2446a”.

(3) CONFORMING AMENDMENT.—Section 2366b(a)(3) of such title is amended—

(A) by striking “and” at the end of subparagraph (K); and

(B) by inserting after subparagraph (L) the following new subparagraph:

“(M) the requirements of section 2446b(e) of this title are met; and”.

(4) EFFECTIVE DATE.—Subchapter I of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.

(b) REQUIREMENT TO INCLUDE MODULAR OPEN SYSTEM APPROACH IN SELECTED ACQUISITION REPORTS.—Section 2432(c)(1) of such title is amended—

(1) by striking “and” at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

“(G) for each major defense acquisition program that receives Milestone B approval after January 1, 2019, a brief summary description of the key elements of the modular open system approach as defined in section 2446a of this title or, if a modular open system approach was not used, the rationale for not using such an approach; and”.

SEC. 806. DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY.

(a) DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY.—

(1) IN GENERAL.—Chapter 144B of title 10, United States Code, as added by section 805, is further amended by adding at the end the following new subchapter:

“SUBCHAPTER II—DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY

“Sec.

“2447a. Weapon system component or technology prototype projects: display of budget information.

“2447b. Weapon system component or technology prototype projects: oversight.

“2447c. Requirements and limitations for weapon system component or technology prototype projects.

“2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes.

“2447e. Definition of weapon system component.

“§2447a. Weapon system component or technology prototype projects: display of budget information

“(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the defense budget materials for any fiscal year after fiscal year 2017, the Secretary of Defense shall, with respect to advanced component development and prototype activities (within the research, development, test, and evaluation budget), set forth the amounts requested for each of the following:

“(1) Acquisition programs of record.

“(2) Development, prototyping, and experimentation of weapon system components or other technologies, including those based on commercial items and technologies, separate from acquisition programs of record.

“(3) Other budget line items as determined by the Secretary of Defense.

“(b) ADDITIONAL REQUIREMENTS.—For purposes of subsection (a)(2), the amounts requested for development, prototyping, and experimentation of weapon system components or other technologies shall be—

“(1) structured into either capability, weapon system component, or technology portfolios that reflect the priority areas for prototype projects; and

“(2) justified with general descriptions of the types of capability areas and technologies being funded or expected to be funded during the fiscal year concerned.

“(c) DEFINITIONS.—In this section, the terms ‘budget’ and ‘defense budget materials’ have the meaning given those terms in section 234 of this title.

“§2447b. Weapon system component or technology prototype projects: oversight

“(a) ESTABLISHMENT.—The Secretary of each military department shall establish an oversight board or identify a similar existing group of senior advisors for managing prototype projects for weapon system components and other technologies and subsystems, including the use of funds for such projects, within the military department concerned.

“(b) MEMBERSHIP.—Each oversight board shall be comprised of senior officials with—

“(1) expertise in requirements; research, development, test, and evaluation; acquisition; sustainment; or other relevant areas within the military department concerned;

“(2) awareness of technology development activities and opportunities in the Department of Defense, industry, and other sources; and

“(3) awareness of the component capability requirements of major weapon systems, including scheduling and fielding goals for such component capabilities.

“(c) FUNCTIONS.—The functions of each oversight board are as follows:

“(1) To issue a strategic plan every three years that prioritizes the capability and weapon system component portfolio areas for conducting prototype projects, based on assessments of—

“(A) high priority warfighter needs;

“(B) capability gaps or readiness issues with major weapon systems;

“(C) opportunities to incrementally integrate new components into major weapon systems based on commercial technology or science and technology efforts that are expected to be sufficiently mature to prototype within three years; and

“(D) opportunities to reduce operation and support costs of major weapon systems.

“(2) To annually recommend funding levels for weapon system component or technology development and prototype projects across capability or weapon system component portfolios.

“(3) To annually recommend to the service acquisition executive of the military department concerned specific weapon system component or technology development and prototype projects, subject to the requirements and limitations in section 2447c of this title.

“(4) To ensure projects are managed by experts within the Department of Defense who are knowledgeable in research, development, test, and evaluation and who are aware of opportunities for incremental deployment of component capabilities and other technologies to major weapon systems or directly to support warfighting capabilities.

“(5) To ensure projects are conducted in a manner that allows for appropriate experimentation and technology risk.

“(6) To ensure projects have a plan for technology transition of the prototype into a fielded

system, program of record, or operational use, as appropriate, upon successful achievement of technical and project goals.

“(7) To ensure necessary technical, contracting, and financial management resources are available to support each project.

“(8) To submit to the congressional defense committees a semiannual notification that includes the following:

“(A) each weapon system component or technology prototype project initiated during the preceding six months, including an explanation of each project and its required funding.

“(B) the results achieved from weapon system component prototype and technology projects completed and tested during the preceding six months.

**“§2447c. Requirements and limitations for weapon system component or technology prototype projects**

“(a) **LIMITATION ON PROTOTYPE PROJECT DURATION.**—A prototype project shall be completed within two years of its initiation.

“(b) **MERIT-BASED SELECTION PROCESS.**—A prototype project shall be selected by the service acquisition executive of the military department concerned through a merit-based selection process that identifies the most promising, innovative, and cost-effective prototypes that address one or more of the elements set forth in subsection (c)(1) of section 2447b of this title and are expected to be successfully demonstrated in a relevant environment.

“(c) **TYPE OF TRANSACTION.**—Prototype projects shall be funded through contracts, cooperative agreements, or other transactions.

“(d) **FUNDING LIMIT.**—(1) Each prototype project may not exceed a total amount of \$10,000,000 (based on fiscal year 2017 constant dollars), unless—

“(A) the Secretary of the military department, or the Secretary's designee, approves a larger amount of funding for the project, not to exceed \$50,000,000; and

“(B) the Secretary, or the Secretary's designee, submits to the congressional defense committees, within 30 days after approval of such funding for the project, a notification that includes—

“(i) the project;

“(ii) expected funding for the project; and

“(iii) a statement of the anticipated outcome of the project.

“(2) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in paragraph (1) on the basis of Department of Defense escalation rates.

“(e) **RELATED PROTOTYPE AUTHORITIES.**—Prototype projects that exceed the duration and funding limits established in this section shall be pursued under the rapid prototyping process established by section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note). In addition, nothing in this subchapter shall affect the authority to carry out prototype projects under section 2371b or any other section of this title related to prototyping.

**“§2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes**

“(a) **SELECTION OF PROTOTYPE PROJECT FOR PRODUCTION AND RAPID FIELDING.**—A weapon system component or technology prototype project may be selected by the service acquisition executive of the military department concerned for a follow-on production contract or other transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of this title, if—

“(1) the follow-on production project addresses a high priority warfighter need or reduces the costs of a weapon system;

“(2) competitive procedures were used for the selection of parties for participation in the original prototype project;

“(3) the participants in the original prototype project successfully completed the requirements of the project; and

“(4) a prototype of the system to be procured was demonstrated in a relevant environment.

“(b) **SPECIAL TRANSFER AUTHORITY.**—(1) The Secretary of a military department may, as specified in advance by appropriations Acts, transfer funds that remain available for obligation in procurement appropriation accounts of the military department to fund the low-rate initial production of the rapid fielding project until required funding for full-rate production can be submitted and approved through the regular budget process of the Department of Defense.

“(2) The funds transferred under this subsection to fund the low-rate initial production of a rapid fielding project shall be for a period not to exceed two years, the amount for such period may not exceed \$50,000,000, and the special transfer authority provided in this subsection may not be used more than once to fund procurement of a particular new or upgraded system.

“(3) The special transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

“(c) **NOTIFICATION TO CONGRESS.**—Within 30 days after the service acquisition executive of a military department selects a weapon system component or technology project for a follow-on production contract or other transaction, the service acquisition executive shall notify the congressional defense committees of the selection and provide a brief description of the rapid fielding project.

**“§2447e. Definition of weapon system component**

“In this subchapter, the term ‘weapon system component’ has the meaning given the term ‘major system component’ in section 2446a of this title.”.

(2) **EFFECTIVE DATE.**—Subchapter II of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.

(b) **ADDITION TO REQUIREMENTS NEEDED BEFORE MILESTONE A APPROVAL.**—Section 2366a(b) of such title is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph (8):

“(8) that, with respect to a program initiated after January 1, 2019, technology shall be developed in the program (after Milestone A approval) only if the milestone decision authority determines with a high degree of confidence that such development will not delay the fielding target of the program, or, if the milestone decision authority does not make such determination for a major system component being developed under the program, the milestone decision authority ensures that the technology related to the major system component shall be sufficiently matured and demonstrated in a relevant environment (after Milestone A approval) separate from the program using the prototyping authorities in subchapter II of chapter 144B of this title or other authorities, as appropriate, and have an effective plan for adoption or insertion by the relevant program; and”.

**SEC. 807. COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—

(1) **IN GENERAL.**—Chapter 144B of title 10, United States Code, as added by section 805, is amended by adding at the end the following new subchapter:

**“SUBCHAPTER III—COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS**

“Sec.

“2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs.

“2448b. Independent technical risk assessments.

**“§2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs**

“(a) **PROGRAM COST AND FIELDING TARGETS.**—(1) Before funds are obligated for technology development, systems development, or production of a major defense acquisition program, the Secretary of Defense shall ensure, by establishing the goals described in paragraph (2), that the milestone decision authority for the major defense acquisition program approves a program that will—

“(A) be affordable;

“(B) incorporate program planning that anticipates the evolution of capabilities to meet changing threats, technology insertion, and interoperability; and

“(C) be fielded when needed.

“(2) The goals described in this paragraph are goals for—

“(A) the procurement unit cost and sustainment cost (referred to in this section as the ‘program cost targets’);

“(B) the date for initial operational capability (referred to in this section as the ‘fielding target’); and

“(C) technology maturation, prototyping, and a modular open system approach to evolve system capabilities and improve interoperability.

“(b) **DELEGATION.**—The responsibilities of the Secretary of Defense in subsection (a) may be delegated only to the Deputy Secretary of Defense.

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

“(1) The term ‘procurement unit cost’ has the meaning provided in section 2432(a)(2) of this title.

“(2) The term ‘initial capabilities document’ has the meaning provided in section 2366a(d)(2) of this title.

**“§2448b. Independent technical risk assessments**

“(a) **IN GENERAL.**—With respect to a major defense acquisition program, the Secretary of Defense shall ensure that an independent technical risk assessment is conducted—

“(1) before any decision to grant Milestone A approval for the program pursuant to section 2366a of this title, that identifies critical technologies and manufacturing processes that need to be matured; and

“(2) before any decision to grant Milestone B approval for the program pursuant to section 2366b of this title, any decision to enter into low-rate initial production or full-rate production, or at any other time considered appropriate by the Secretary, that includes the identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

“(b) **CATEGORIZATION OF TECHNICAL RISK LEVELS.**—The Secretary shall issue guidance and a framework for categorizing the degree of technical and manufacturing risk in a major defense acquisition program.”.

(2) **EFFECTIVE DATE.**—Subchapter III of chapter 144B of title 10, United States Code, as added by paragraph (1), shall apply with respect to major defense acquisition programs that reach Milestone A after October 1, 2017.

(b) **MODIFICATION OF MILESTONE DECISION AUTHORITY.**—Effective January 1, 2017, subsection (d) of section 2430 of title 10, United States Code, as added by section 825(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 907), is amended—

(1) in paragraph (2)(A), by inserting “subject to paragraph (5),” before “the Secretary determines”; and

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

“(5) The authority of the Secretary of Defense to designate an alternative milestone decision

authority for a program with respect to which the Secretary determines that the program is addressing a joint requirement, as set forth in paragraph (2)(A), shall apply only for a major defense acquisition program that reaches Milestone A after October 1, 2016, and before October 1, 2019.”.

(c) ADHERENCE TO REQUIREMENTS IN MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2547 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

“(b) ADHERENCE TO REQUIREMENTS IN MAJOR DEFENSE ACQUISITION PROGRAMS.—The Secretary of the military department concerned shall ensure that the program capability document supporting a Milestone B or subsequent decision for a major defense acquisition program may not be approved until the chief of the armed force concerned determines in writing that the requirements in the document are necessary and realistic in relation to the program cost and fielding targets established under section 2448a(a) of this title.”; and

(3) by adding at the end of subsection (d), as so redesignated, the following new paragraph:

“(3) The term ‘program capability document’ has the meaning provided in section 2446a(b)(5) of this title.”.

(d) AMENDMENT RELATING TO DETERMINATION REQUIRED BEFORE MILESTONE A APPROVAL.—Section 2366a(b)(4) of title 10, United States Code, is amended by inserting after “areas of risk” the following: “, including risks determined by the identification of critical technologies required under section 2448b(a)(1) of this title or any other risk assessment”.

(e) AMENDMENT RELATING TO CERTIFICATION REQUIRED BEFORE MILESTONE B APPROVAL.—Section 2366b(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “assessment by the Assistant Secretary” and all that follows through “Test and Evaluation” and inserting “technical risk assessment conducted under section 2448b of this title”; and

(2) in paragraph (3), as amended by section 805(a)(3)(B)—

(A) by striking “and” at the end of subparagraph (C);

(B) by redesignating subparagraphs (D) through (M) as subparagraphs (E) through (N), respectively; and

(C) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) The estimated procurement unit cost for the program and the estimated date for initial operational capability for the baseline description for the program (established under section 2435) do not exceed the program cost and fielding targets established under section 2448a(a) of this title, or, if such estimated cost is higher than the program cost targets or if such estimated date is later than the fielding target, the program cost targets have been increased or the fielding target has been delayed by the Secretary of Defense after a request for such increase or delay by the milestone decision authority;”.

**SEC. 808. TRANSPARENCY IN MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) MILESTONE A REPORT.—

(1) IN GENERAL.—Section 2366a(c) of title 10, United States Code, is amended to read as follows:

“(c) SUBMISSIONS TO CONGRESS ON MILESTONE A.—

“(1) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone A approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following elements:

“(A) The program cost and fielding targets established by the Secretary of Defense under section 2448a(a) of this title.

“(B) The estimated cost and schedule for the program established by the military department concerned, including—

“(i) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and

“(ii) the planned dates for each program milestone and initial operational capability.

“(C) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(i) as assessment of the major contributors to the program acquisition unit cost and total life-cycle cost; and

“(ii) the planned dates for each program milestone and initial operational capability.

“(D) A summary of the technical or manufacturing risks associated with the program, as determined by the military department concerned, including identification of any critical technologies or manufacturing processes that need to be matured.

“(E) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies or manufacturing processes that need to be matured.

“(F) A summary of any sufficiency review conducted by the Director of Cost Assessment and Program Evaluation of the analysis of alternatives performed for the program (as referred to in section 2366a(b)(6) of this title).

“(G) Any other information the milestone decision authority considers relevant.

(2) ADDITIONAL INFORMATION.—(A) At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee an explanation of the basis for a determination made under subsection (b) with respect to a major defense acquisition program, together with a copy of the written determination, or further information or underlying documentation for the information in a brief summary report submitted under paragraph (1), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that paragraph.

“(B) The explanation or information shall be submitted in unclassified form, but may include a classified annex.”.

(2) DEFINITIONS.—Section 2366a(d) of such title is amended by adding at the end the following new paragraphs:

“(8) The term ‘fielding target’ has the meaning given that term in section 2448a(a) of this title.

“(9) The term ‘major system component’ has the meaning given that term in section 2446a(b)(3) of this title.

“(10) The term ‘congressional intelligence committees’ has the meaning given that term in section 437(c) of this title.”.

(b) MILESTONE B REPORT.—

(1) IN GENERAL.—Section 2366b(c) of title 10, United States Code, is amended to read as follows:

“(c) SUBMISSIONS TO CONGRESS ON MILESTONE B.—

“(1) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone B approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following elements:

“(A) The program cost and fielding targets established by the Secretary of Defense under section 2448a(a) of this title.

“(B) The estimated cost and schedule for the program established by the military department concerned, including—

“(i) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(ii) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

“(C) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(i) the dollar values and ranges estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(ii) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

“(D) A summary of the technical and manufacturing risks associated with the program, as determined by the military department concerned, including identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

“(E) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies or manufacturing processes that have not been successfully demonstrated in a relevant environment.

“(F) A statement of whether a modular open system approach is being used for the program.

“(G) Any other information the milestone decision authority considers relevant.

(2) CERTIFICATIONS AND DETERMINATIONS.—(A) The certifications and determination under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of this title after completion of the certification.

“(B) The milestone decision authority shall retain records of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a).

(3) ADDITIONAL INFORMATION.—(A) At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee an explanation of the basis for the certifications and determination under paragraphs (1), (2), and (3) of subsection (a) with respect to a major defense acquisition program or further information or underlying documentation for the information in a brief summary report submitted under paragraph (1), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that paragraph.

“(B) The explanation or information shall be submitted in unclassified form, but may include a classified annex.”.

(2) DEFINITIONS.—Section 2366b(g) of such title is amended by adding at the end the following new paragraphs:

“(6) The term ‘fielding target’ has the meaning given that term in section 2448a(a) of this title.

“(7) The term ‘major system component’ has the meaning given that term in section 2446a(b)(3) of this title.

“(8) The term ‘congressional intelligence committees’ has the meaning given that term in section 437(c) of this title.”.

(c) MILESTONE C REPORT.—

(1) IN GENERAL.—Chapter 139 of such title is amended by inserting after section 2366b the following new section:

**“§2366c. Major defense acquisition programs: submissions to Congress on Milestone C**

“(a) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone C approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees

and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following:

“(1) The estimated cost and schedule for the program established by the military department concerned, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(3) A summary of any production, manufacturing, and fielding risks associated with the program.

“(b) ADDITIONAL INFORMATION.—At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee further information or underlying documentation for the information in a brief summary report submitted under subsection (a), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that subsection.

“(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ‘congressional intelligence committees’ has the meaning given that term in section 437(c) of this title.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366b the following new item:

“2366c. Major defense acquisition programs: submissions to Congress on Milestone C.”

#### SEC. 809. AMENDMENTS RELATING TO TECHNICAL DATA RIGHTS.

(a) RIGHTS RELATING TO ITEM OR PROCESS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.—Subsection (a)(2)(C)(iii) of section 2320 of title 10, United States Code, is amended by inserting after “or process data” the following: “, including such data pertaining to a major system component”

(b) RIGHTS RELATING TO INTERFACE OR MAJOR SYSTEM INTERFACE.—Subsection (a)(2) of section 2320 of such title is further amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (H) and (I), respectively;

(2) in subparagraph (B), by striking “Except as provided in subparagraphs (C) and (D),” and inserting “Except as provided in subparagraphs (C), (D), and (G),”;

(3) in subparagraph (D)(i)(II), by striking “is necessary” and inserting “is a release, disclosure, or use of technical data pertaining to an interface between an item or process and other items or processes necessary”;

(4) in subparagraph (E)—

(A) by striking “In the case” and inserting “Except as provided in subparagraphs (F) and (G), in the case”;

(B) by striking “negotiations). The United States shall have” and all that follows through “such negotiated rights shall” and inserting the following: “negotiations) and shall be based on negotiations between the United States and the contractor, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiations would not be practicable. The establishment of such rights shall”;

(5) by inserting after subparagraph (E) the following new subparagraphs (F) and (G):

“(F) INTERFACES DEVELOPED WITH MIXED FUNDING.—Notwithstanding subparagraph (E), the United States shall have government purpose rights in technical data pertaining to an interface between an item or process and other items or processes that was developed in part with Federal funds and in part at private expense, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiation of different rights in such technical data would be in the best interest of the United States.

“(G) MAJOR SYSTEM INTERFACES DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE OR WITH MIXED FUNDING.—Notwithstanding subparagraphs (B) and (E), the United States shall have government purpose rights in technical data pertaining to a major system interface developed exclusively at private expense or in part with Federal funds and in part at private expense and used in a modular open system approach pursuant to section 2446a of this title, except in any case in which the Secretary of Defense determines that negotiation of different rights in such technical data would be in the best interest of the United States. Such major system interface shall be identified in the contract solicitation and the contract. For technical data pertaining to a major system interface developed exclusively at private expense for which the United States asserts government purpose rights, the Secretary of Defense shall negotiate with the contractor the appropriate and reasonable compensation for such technical data.”

(c) AMENDMENT RELATING TO DEFERRED ORDERING.—Subsection (b)(9) of section 2320 of such title is amended—

(1) by striking “at any time” and inserting “, until the date occurring six years after acceptance of the last item (other than technical data) under a contract or the date of contract termination, whichever is later,”;

(2) by striking “or utilized in the performance of a contract” and inserting “in the performance of the contract”;

(3) by striking clause (ii) of subparagraph (B) and inserting the following:

“(ii) is described in subparagraphs (D)(i)(II), (F), and (G) of subsection (a)(2); and”

(d) DEFINITIONS.—Section 2320 of such title is further amended—

(1) in subsection (f), by inserting “COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—” before “In this section”;

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

“(g) ADDITIONAL DEFINITIONS.—In this section, the terms ‘major system component’, ‘major system interface’, and ‘modular open system approach’ have the meanings provided in section 2446a of this title.”

(e) AMENDMENTS TO ADD CERTAIN HEADINGS FOR READABILITY.—Section 2320(a) of such title is further amended—

(1) in subparagraph (A) of paragraph (2), by inserting after “(A)” the following: “DEVELOPMENT EXCLUSIVELY WITH FEDERAL FUNDS.—”;

(2) in subparagraph (B) of such paragraph, by inserting after “(B)” the following: “DEVELOPMENT EXCLUSIVELY AT PRIVATE EXPENSE.—”;

(3) in subparagraph (C) of such paragraph, by inserting after “(C)” the following: “EXCEPTION TO SUBPARAGRAPH (B).—”;

(4) in subparagraph (D) of such paragraph, by inserting after “(D)” the following: “EXCEPTION TO SUBPARAGRAPH (B).—”;

(5) in subparagraph (E) of such paragraph, by inserting after “(E)” the following: “DEVELOPMENT WITH MIXED FUNDING.—”

(f) GOVERNMENT-INDUSTRY ADVISORY PANEL AMENDMENTS.—Section 813(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 892) is amended—

(1) by adding at the end of paragraph (1) the following: “The panel shall develop recommendations for changes to sections 2320 and

2321 of title 10, United States Code, and the regulations implementing such sections.”;

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) Ensuring that the Department of Defense and Department of Defense contractors have the technical data rights necessary to support the modular open system approach requirement set forth in section 2446a of title 10, United States Code, taking into consideration the distinct characteristics of major system platforms, major system interfaces, and major system components developed exclusively with Federal funds, exclusively at private expense, and with a combination of Federal funds and private expense.”; and

(3) by amending paragraph (4) to read as follows:

“(4) FINAL REPORT.—Not later than February 1, 2017, the advisory panel shall submit its final report and recommendations to the Secretary of Defense and the congressional defense committees. Not later than 60 days after receiving the report, the Secretary shall submit any comments or recommendations to the congressional defense committees.”

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

#### SEC. 811. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(B) by inserting “(1)” before “The head”;

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

“(2) If a contractor submits a qualifying proposal to definitize an undefinitized contractual action and the contracting officer for such action definitizes the contract after the end of the 180-day period beginning on the date on which the contractor submitted the qualifying proposal, the head of the agency concerned shall ensure that the profit allowed on the contract accurately reflects the cost risk of the contractor as such risk existed on the date the contractor submitted the qualifying proposal.”;

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(3) by inserting after subsection (e) the following new subsections:

“(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90 days without a written determination by the Secretary of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable) that it is in the best interests of the military department, the Defense Agency, the combatant command, or the Department of Defense, respectively, to continue the action.

“(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

“(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4).”;

(4) in subsection (i), as redesignated by paragraph (2)—

(A) in paragraph (1)—

(i) by striking subparagraph (A); and

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

(B) in paragraph (2), by striking “complete and meaningful audits” and all that follows through the period and inserting “a meaningful audit of the information contained in the proposal.”.

**SEC. 812. AMENDMENTS RELATING TO INVENTORY AND TRACKING OF PURCHASES OF SERVICES.**

(a) **INCREASED THRESHOLD.**—Subsection (a) of section 2330a of title 10, United States Code, is amended by striking “in excess of the simplified acquisition threshold” and inserting “in excess of \$3,000,000”.

(b) **SPECIFICATION OF SERVICES.**—Subsection (a) of such section is further amended by striking the period at the end and inserting the following: “, for services in the following service acquisition portfolio groups:

“(1) Logistics management services.

“(2) Equipment related services.

“(3) Knowledge-based services.

“(4) Electronics and communications services.”.

(c) **INVENTORY SUMMARY.**—Subsection (c) of such section is amended—

(1) by striking “(c) INVENTORY.—” and inserting “(c) INVENTORY SUMMARY.—”; and

(2) in paragraph (1), by striking “submit to Congress an annual inventory” and all that follows through “for or on behalf” and inserting “prepare an annual inventory, and submit to Congress a summary of the inventory, of activities performed during the preceding fiscal year pursuant to staff augmentation contracts on behalf”.

(d) **ELIMINATION OF CERTAIN REQUIREMENTS.**—Such section is further amended—

(1) by striking subsections (d), (g), and (h); and

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

(e) **SPECIFICATION OF SERVICES TO BE REVIEWED.**—Subsection (d), as so redesignated, of such section, is amended in paragraph (1) by inserting after “responsible” the following: “, with particular focus and attention on the following categories of high-risk product service codes (also referred to as Federal supply codes):

“(A) Special studies or analysis that is not research and development.

“(B) Information technology and telecommunications.

“(C) Support, including professional, administrative, and management.”.

(f) **COMPTROLLER GENERAL REPORT.**—Such section is further amended by inserting after subsection (e), as so redesignated, the following new subsection (f):

“(f) **COMPTROLLER GENERAL REPORT.**—Not later than March 31, 2018, the Comptroller General of the United States shall submit to the congressional defense committees a report on the status of the data collection required in subsection (a) and an assessment of the efforts by the Department of Defense to implement subsection (e).”.

(g) **DEFINITIONS.**—Subsection (h), as so redesignated, of such section is amended by adding at the end the following new paragraphs:

“(6) The term ‘service acquisition portfolio groups’ means the groups identified in Department of Defense Instruction 5000.74, Defense Acquisition of Services (January 5, 2016) or successor guidance.

“(7) The term ‘staff augmentation contracts’ means services contracts for personnel who are physically present in a Government work space on a full-time or permanent part-time basis, for the purpose of advising on, providing support to, or assisting a Government agency in the performance of the agency’s missions, including authorized personal services contracts (as that term is defined in section 2330a(g)(5) of this title).”.

**SEC. 813. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.**

(a) **STATEMENT OF POLICY.**—It shall be the policy of the Department of Defense to avoid

using lowest price technically acceptable source selection criteria in circumstances that would deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) **REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement to require that, for solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, lowest price technically acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in terms of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department of Defense would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the request for proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror’s proposal versus a competing proposal;

(4) the source selection authority has a high degree of confidence that a review of technical proposals of offerors other than the lowest bidder would not result in the identification of factors that could provide value or benefit to the Department;

(5) the contracting officer has included a justification for the use of a lowest price technically acceptable evaluation methodology in the contract file; and

(6) the Department of Defense has determined that the lowest price reflects full life-cycle costs, including for operations and support.

(c) **AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN CERTAIN PROCUREMENTS.**—To the maximum extent practicable, the use of lowest price technically acceptable source selection criteria shall be avoided in the case of a procurement that is predominately for the acquisition of—

(1) information technology services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, audit or audit readiness services, or other knowledge-based professional services;

(2) personal protective equipment; or

(3) knowledge-based training or logistics services in contingency operations or other operations outside the United States, including in Afghanistan or Iraq.

(d) **REPORTING.**—Not later than December 1, 2017, and annually thereafter for three years, the Comptroller General of the United States shall submit to the congressional defense committees a report on the number of instances in which lowest price technically acceptable source selection criteria is used for a contract exceeding \$10,000,000, including an explanation of how the situations listed in subsection (b) were considered in making a determination to use lowest price technically acceptable source selection criteria.

**SEC. 814. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.**

(a) **LIMITATION.**—Not later than 90 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised—

(1) to prohibit the use by the Department of Defense of reverse auctions or lowest price technically acceptable contracting methods for the procurement of personal protective equipment if the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(b) **CONFORMING AMENDMENT.**—Section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 948; 10 U.S.C. 2302 note) is hereby repealed.

**SEC. 815. AMENDMENTS RELATED TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**

Section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302 note) is amended—

(1) in paragraph (3) of subsection (c)—

(A) by striking the heading and inserting “SUPPLIERS MEETING ANTICOUNTERFEITING REQUIREMENTS.—”;

(B) in subparagraph (A)(i), by striking “trusted suppliers in accordance with regulations issued pursuant to subparagraph (C) or (D) who” and inserting “suppliers that meet anticounterfeiting requirements in accordance with regulations issued pursuant to subparagraph (C) or (D) and that”;

(C) in subparagraphs (A)(ii) and (A)(iii), by striking “trusted suppliers” each place it appears and inserting “suppliers that meet anticounterfeiting requirements”;

(D) in subparagraph (C), by striking “as trusted suppliers those” and inserting “suppliers”;

(E) in subparagraph (D) in the matter preceding clause (i), by striking “trusted suppliers” and inserting “suppliers that meet anticounterfeiting requirements”; and

(F) in subparagraphs (D)(i) and (D)(iii), by striking “trusted” each place it appears; and

(2) in subsection (e)(2)(A)(v), by striking “use of trusted suppliers” and inserting “the use of suppliers that meet applicable anticounterfeiting requirements”.

**SEC. 816. AMENDMENTS TO SPECIAL EMERGENCY PROCUREMENT AUTHORITY.**

Section 1903(a) of title 41, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding after paragraph (2) the following new paragraphs:

“(3) in support of a request from the Secretary of State or the Administrator of the United States Agency for International Development to facilitate the provision of international disaster assistance pursuant to chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.); or

“(4) in support of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).”.

**SEC. 817. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.**

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

“(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall—

“(A) procure athletic footwear that complies with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law); and

“(B) procure additional athletic footwear, for two years following the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, that is necessary to provide a member described in paragraph (1) with sufficient choices in athletic shoes so as to minimize

the incidence of athletic injuries and potential unnecessary harm and risk to the safety and well-being of members in initial entry training.

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

“(A) is medically required to meet unique physiological needs of the member; and

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

**SEC. 818. EXTENSION OF AUTHORITY FOR ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.**

Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 804; 10 U.S.C. 2514 note) is amended by striking “2017” and inserting “2021”.

**SEC. 819. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.**

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) is amended to read as follows:

“(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.”.

**SEC. 820. DEFENSE COST ACCOUNTING STANDARDS.**

(a) AMENDMENTS TO THE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Section 1501 of title 41, United States Code, is amended—

(A) in subsection (b)(1)(B)(ii), by inserting “and, if possible, is a representative of a public accounting firm” after “systems”;

(B) by redesignating subsections (c) through (f) as subsections (f) through (i), respectively;

(C) by inserting after subsection (b) the following new subsections:

“(c) DUTIES.—The Board shall—

“(1) ensure that the cost accounting standards used by Federal contractors rely, to the maximum extent practicable, on commercial standards and accounting practices and systems;

“(2) within one year after the date of enactment of this subsection, and on an ongoing basis thereafter, review any cost accounting standards established under section 1502 of this title and conform such standards, where practicable, to Generally Accepted Accounting Principles; and

“(3) annually review disputes involving such standards brought to the boards established in section 7105 of this title or Federal courts, and consider whether greater clarity in such standards could avoid such disputes.

“(d) MEETINGS.—The Board shall meet not less than once each quarter and shall publish in the Federal Register notice of each meeting and its agenda before such meeting is held.

“(e) REPORT.—The Board shall annually submit a report to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate describing the actions taken during the prior year—

“(1) to conform the cost accounting standards established under section 1502 of this title with Generally Accepted Accounting Principles; and

“(2) to minimize the burden on contractors while protecting the interests of the Federal Government.”; and

(D) by amending subsection (f) (as so redesignated) to read as follows:

“(f) SENIOR STAFF.—The Administrator, after consultation with the Board—

“(1) without regard to the provisions of title 5 governing appointments in the competitive service—

“(A) shall appoint an executive secretary; and

“(B) may appoint, or detail pursuant to section 3341 of title 5, two additional staff members; and

“(2) may pay those employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that those employees may not receive pay in excess of the maximum rate of basic pay payable for level IV of the Executive Schedule.”.

(2) VALUE OF CONTRACTS ELIGIBLE FOR WAIVER.—Section 1502(b)(3)(A) of title 41, United States Code, is amended by striking “\$15,000,000” and inserting “\$100,000,000”.

(3) CONFORMING AMENDMENTS.—Section 1501(i) of title 41, United States Code (as redesignated by paragraph (1)), is amended—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (h)(1)”; and

(B) in paragraph (3), by striking “subsection (e)(2)” and inserting “subsection (h)(2)”.

(b) DEFENSE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 190. Defense Cost Accounting Standards Board**

“(a) ORGANIZATION.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

“(b) MEMBERSHIP.—(1) The Board consists of seven members. One member is the Chief Financial Officer of the Department of Defense or a designee of the Chief Financial Officer, who serves as Chairman. The other six members, all of whom shall have experience in contract pricing, finance, or cost accounting, are as follows:

“(A) Three representatives of the Department of Defense appointed by the Secretary of Defense; and

“(B) Three individuals from the private sector, each of whom is appointed by the Secretary of Defense, and—

“(i) one of whom is a representative of a non-traditional defense contractor (as defined in section 2302(9) of this title); and

“(ii) one of whom is a representative from a public accounting firm.

“(2) A member appointed under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the Department of Defense.

“(c) DUTIES OF THE CHAIRMAN.—The Chief Financial Officer of the Department of Defense, after consultation with the Defense Cost Accounting Standards Board, shall prescribe rules and procedures governing actions of the Board under this section.

“(d) DUTIES.—The Defense Cost Accounting Standards Board—

“(1) shall review cost accounting standards established under section 1502 of title 41 and recommend changes to such cost accounting standards to the Cost Accounting Standards Board established under section 1501 of such title;

“(2) has exclusive authority, with respect to the Department of Defense, to implement such cost accounting standards to achieve uniformity and consistency in the standards governing measurement, assignment, and allocation of costs to contracts with the Department of Defense; and

“(3) shall develop standards to ensure that commercial operations performed by Government employees at the Department of Defense adhere to cost accounting standards (based on cost accounting standards established under section 1502 of title 41 or Generally Accepted Accounting Principles) that inform managerial decision-making.

“(e) COMPENSATION.—(1) Members of the Defense Cost Accounting Standards Board who are

officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the Department of Defense.

“(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

“(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.

“(f) AUDITING REQUIREMENTS.—(1) Notwithstanding any other provision of law, contractors with the Department of Defense may present, and the Defense Contract Audit Agency shall accept without performing additional audits, a summary of audit findings prepared by a commercial auditor if—

“(A) the auditor previously performed an audit of the allowability, measurement, assignment to accounting periods, and allocation of indirect costs of the contractor; and

“(B) such audit was performed using relevant commercial accounting standards (such as Generally Accepted Accounting Principles) and relevant commercial auditing standards established by the commercial auditing industry for the relevant accounting period.

“(2) The Defense Contract Audit Agency may audit direct costs of Department of Defense cost contracts and shall rely on commercial audits of indirect costs without performing additional audits, except that in the case of companies or business units that have a predominance of cost-type contracts as a percentage of sales, the Defense Contract Audit Agency may audit both direct and indirect costs.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

“190. Defense Cost Accounting Standards Board.”.

(c) REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report on the adequacy of the method used by the Cost Accounting Standards Board established under section 1501 of title 41, United States Code, to apply cost accounting standards to indirect and fixed price incentive contracts.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

**SEC. 821. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.**

(a) INCREASED MICRO-PURCHASE THRESHOLD.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2338. Micro-purchase threshold**

“Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is \$5,000.”.

(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. Micro-purchase threshold.”.

**SEC. 822. ENHANCED COMPETITION REQUIREMENTS.**

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting “that is only expected to receive one bid” after “entered into using procedures other than sealed-bid procedures”; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “price competition” and inserting “competition that

results in at least two or more responsive and viable competing bids"; and

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

"(6) DETERMINATION BY PRIME CONTRACTOR.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement."

**SEC. 823. REVISION TO EFFECTIVE DATE OF SENIOR EXECUTIVE BENCHMARK COMPENSATION FOR ALLOWABLE COST LIMITATIONS.**

(a) REPEAL OF RETROACTIVE APPLICABILITY.—Section 803(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1485; 10 U.S.C. 2324 note) is amended by striking "amendments made by" and all that follows and inserting "amendments made by this section shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into on or after December 31, 2011."

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect as of December 31, 2011, and shall apply as if included in the National Defense Authorization Act for Fiscal Year 2012 as enacted.

**SEC. 824. TREATMENT OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.**

(a) INDEPENDENT RESEARCH AND DEVELOPMENT COSTS: ALLOWABLE COSTS.—

(1) IN GENERAL.—Section 2372 of title 10, United States Code, is amended to read as follows:

**"§2372. Independent research and development costs: allowable costs**

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment by the Department of Defense of expenses incurred by contractors for independent research and development costs. Such regulations shall provide that expenses incurred for independent research and development shall be reported independently from other allowable indirect costs.

"(b) COSTS TREATED AS FAIR AND REASONABLE, AND ALLOWABLE, EXPENSES.—The regulations prescribed under subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable, and allowable, indirect expense on Department of Defense contracts.

"(c) ADDITIONAL CONTROLS.—Subject to subsection (d), the regulations prescribed under subsection (a) may include the following provisions:

"(1) Controls on the reimbursement of costs to the contractor for expenses incurred for independent research and development to ensure that such costs were incurred for independent research and development.

"(2) Implementation of regular methods for transmission—

"(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected needs of the Department of Defense for future technology and advanced capability; and

"(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the independent research and development programs of the contractor.

"(d) LIMITATIONS ON REGULATIONS.—Regulations prescribed under subsection (a) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program if the chief executive officer of the contractor determines that expenditures will advance the needs of the Department of Defense for future technology and

advanced capability as transmitted pursuant to subsection (c)(3)(A).

"(e) EFFECTIVE DATE.—The regulations prescribed under subsection (a) shall apply to indirect costs incurred on or after October 1, 2017."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 is amended by striking the item relating to section 2372 and inserting the following new item:

"2372. Independent research and development costs: allowable costs"

(b) BID AND PROPOSAL COSTS: ALLOWABLE COSTS.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2372 the following new section:

**"§2372a. Bid and proposal costs: allowable costs**

"(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment by the Department of Defense of expenses incurred by contractors for bid and proposal costs. Such regulations shall provide that expenses incurred for bid and proposal costs shall be reported independently from other allowable indirect costs.

"(b) COSTS ALLOWABLE AS INDIRECT EXPENSES.—The regulations prescribed under subsection (a) shall provide that bid and proposal costs shall be allowable as indirect expenses on covered contracts, as defined in section 2324(l) of this title, to the extent that those costs are allocable, reasonable, and not otherwise unallowable by law or under the Federal Acquisition Regulation.

"(c) GOAL FOR REIMBURSABLE BID AND PROPOSAL COSTS.—The Secretary shall establish a goal each fiscal year limiting the amount of reimbursable bid and proposal costs paid by the Department of Defense to an amount equal to not more than one percent of the total aggregate industry sales to the Department of Defense. To achieve such goal, the Secretary may not limit the payment of allowable bid and proposal costs for the covered year.

"(d) PANEL.—(1) If the Department of Defense exceeds the goal established under subsection (c) for a fiscal year, within 180 days after exceeding the goal, the Secretary shall establish an advisory panel. The panel shall be supported by the Defense Acquisition University and the National Defense University, including administrative support.

"(2) The panel shall be composed of nine individuals who are recognized experts in acquisition and procurement policy appointed by the Secretary. In making such appointments, the Secretary shall ensure that the members of the panel reflect diverse experiences in the public and private sector.

"(3) The panel shall review laws, regulations, and practices that contribute to the expenses incurred by contractors for bids and proposals in the fiscal year concerned and recommend changes to such laws, regulations, and practices that may reduce expenses incurred by contractors for bids and proposals.

"(4)(A) Not later than six months after the establishment of the panel, the panel shall submit to the Secretary and the congressional defense committees an interim report on the findings of the panel.

"(B) Not later than one year after the establishment of the panel, the panel shall submit to the Secretary and the congressional defense committees a final report on the findings of the panel.

"(5) The panel shall terminate on the day the panel submits the final report under paragraph (4)(B).

"(6) The Secretary of Defense may use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of this title to support the activities of the panel established under this subsection.

"(e) EFFECTIVE DATE.—The regulations prescribed under subsection (a) shall apply to indirect costs incurred on or after October 1, 2017."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting the following new item:

"2372a. Bid and proposal costs: allowable costs"

(c) REPORT ON ELEMENTS CONTRIBUTING TO EXPENSES INCURRED BY CONTRACTORS FOR BIDS AND PROPOSALS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity to study the laws, regulations, and practices relating to expenses incurred by contractors for bids and proposals.

(2) REPORT.—Not later than 180 days after receipt of the contract required by paragraph (1), the independent entity shall submit to the Department of Defense and the congressional defense committees a report on the laws, regulations, or practices relating to expenses incurred by contractors for bids and recommendations for changes to such laws, regulations, or practices that may reduce expenses incurred by contractors for bids and proposals.

(d) DEFENSE CONTRACT AUDIT AGENCY: ANNUAL REPORT.—

(1) IN GENERAL.—Subsection (a) of section 2313a of title 10, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (3) the following new paragraphs:

"(3) a summary, set forth separately by dollar amount and percentage, of indirect costs for independent research and development incurred by contractors in the previous fiscal year;

"(4) a summary, set forth separately by dollar amount and percentage, of indirect costs for bid and proposal costs incurred by contractors in the previous fiscal year."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2018.

**SEC. 825. 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.**

(a) EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE AS FACTOR.—Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "(except as provided in subparagraph (C))" after "shall"; and

(B) in clause (ii), by inserting "(except as provided in subparagraph (C))" after "shall"; and

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

"(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

"(i) cost or price to the Federal Government need not, at the Government's discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

"(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

"(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

"(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.

"(D) In subparagraph (C), the term 'qualifying offeror' means an offeror that—

"(i) is determined to be a responsible source;

"(ii) submits a proposal that conforms to the requirements of the solicitation; and

"(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.

“(E) Subparagraph (C) shall not apply to multiple task or delivery order contracts if the solicitation provides for sole source task or delivery order contracts pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).”

(b) AMENDMENT TO PROCEDURES RELATING TO ORDERS UNDER MULTIPLE-AWARD CONTRACTS.—Section 2304c(b) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

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

“(5) the task or delivery order satisfies one of the exceptions in section 2304(c) of this title to the requirement to use competitive procedures.”.

**SEC. 826. EXTENSION OF PROGRAM FOR COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.**

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking “December 31, 2017” and inserting “December 31, 2027”.

**SEC. 827. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.**

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

“(3) The use of side-by-side testing under this subsection may be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items within 5 years after an initial determination that the items have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.”.

**SEC. 828. DEFENSE ACQUISITION CHALLENGE PROGRAM AMENDMENTS.**

(a) EXPANSION OF SCOPE TO INCLUDE SYSTEMS-OF-SYSTEMS AND FUNCTIONS.—Paragraph (2) of subsection (a) of section 2359b of title 10, United States Code, is amended by striking “or system” and all that follows through the end of the paragraph and inserting the following: “system, or system-of-systems level of an existing Department of Defense acquisition program, or to address any broader functional challenge to Department of Defense missions that may not fall within an acquisition program, that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program or function.”.

(b) TREATMENT OF CHALLENGE PROPOSAL PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:

“(j) TREATMENT OF USE OF CERTAIN PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures established under subsection (c) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.”.

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking “2016” and inserting “2021”.

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

(1) in subsection (c)(3), by inserting “or functions” after “acquisition programs”; and

(2) in subsection (c)(4)(A)—

(A) by striking “and” at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting “; and”; and

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

“(iii) any functional challenges of importance to Department of Defense missions.”;

(3) in subsection (c)(5), by adding at the end the following new subparagraph:

“(D) Whether the challenge proposal is likely to result in improvements to any functional challenges of importance to Department of Defense missions, and whether the proposal could be implemented rapidly, at an acceptable cost, and without unacceptable disruption to such missions.”; and

(4) in subsection (c)(5)(B) and in subsection (e)(1), by striking “or system” and inserting “system, or system-of-systems”.

**SEC. 829. PREFERENCE FOR FIXED-PRICE CONTRACTS.**

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) APPROVAL REQUIREMENT FOR CERTAIN COST-TYPE CONTRACTS.—

(1) IN GENERAL.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable).

(2) COVERED CONTRACTS.—A contract described in this paragraph is—

(A) a cost-type contract in excess of \$50,000,000, in the case of a contract entered into on or after October 1, 2018, and before October 1, 2019; and

(B) a cost-type contract in excess of \$25,000,000, in the case of a contract entered into on or after October 1, 2019.

**SEC. 830. REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.**

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to require the use of firm fixed-price contracts for foreign military sales.

(b) EXCEPTIONS.—The regulations prescribed pursuant to subsection (a) shall include exceptions that may be exercised if the foreign country that is the counterparty to a foreign military sale—

(1) has established in writing a preference for a different contract type; or

(2) requests in writing that a different contract type be used for a specific foreign military sale.

(c) WAIVER AUTHORITY.—The regulations prescribed pursuant to subsection (a) shall include a waiver that may be exercised by the Secretary of Defense or his designee if the Secretary or his designee determines on a case-by-case basis that a different contract type is in the best interest of the United States and American taxpayers.

(d) PILOT PROGRAM FOR ACCELERATION OF FOREIGN MILITARY SALES.—

(1) IN GENERAL.—The Secretary of Defense shall establish a pilot program to reform and accelerate the contracting and pricing processes associated with full rate production of major weapon systems for no more than 10 foreign military sales contracts by—

(A) basing price reasonableness determinations on actual cost and pricing data for purchases of the same product for the Department of Defense; and

(B) reducing the cost and pricing data to be submitted in accordance with section 2306a of title 10, United States Code.

(2) EXPIRATION OF AUTHORITY.—Authority for the pilot program under this subsection expires on January 1, 2020.

**SEC. 831. PREFERENCE FOR PERFORMANCE-BASED CONTRACT PAYMENTS.**

(a) IN GENERAL.—Section 2307(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “PREFERENCE FOR” before “PERFORMANCE-BASED”; and

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

(3) by striking “Wherever practicable, payment under subsection (a) shall be made” and inserting “(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments”; and

(4) by adding at the end the following new paragraphs:

“(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of performance outcomes listed in paragraph (1).

“(3) The Secretary of Defense shall ensure that nontraditional defense contractors and other private sector companies are eligible for performance-based payments, consistent with best commercial practices.

“(4)(A) In order to receive performance-based payments, a contractor’s accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop Government-unique accounting systems or practices as a prerequisite for agreeing to receive performance-based payments.

“(B) Nothing in this section shall be construed to grant the Defense Contract Audit Agency the authority to audit compliance with Generally Accepted Accounting Principles.”.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Federal Acquisition Regulation Supplement to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a).

**SEC. 832. CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS AND IMPROVE MISSION PERFORMANCE.**

Not later than 180 days after the date of the enactment of this Act, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on fixed-priced incentive fee contracts, public-private partnerships, performance-based contracting, and other authorities in law and regulation designed to give incentives to contractors to achieve long-term savings and improve administrative practices and mission performance.

**SEC. 833. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.**

(a) SUNSETS.—

(1) PLANTATIONS AND FARMS: OPERATION, MAINTENANCE, AND IMPROVEMENT.—Section 2421 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) SUNSET.—The authority under this section shall terminate on September 30, 2018.”.

(2) REQUIREMENT TO ESTABLISH COST, PERFORMANCE, AND SCHEDULE GOALS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND EACH PHASE OF RELATED ACQUISITION CYCLES.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) SUNSET.—The authority under this section shall terminate on September 30, 2018.”.

(b) REPEALS.—

(1) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR PURCHASE OF INVESTMENT ITEMS.—

(A) IN GENERAL.—Section 2245a of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

(C) CONFORMING AMENDMENT.—Section 166a(e)(1)(A) of such title is amended by striking

"the investment unit cost threshold in effect under section 2245a of this title" and inserting "\$250,000".

(2) INFORMATION TECHNOLOGY PURCHASES: TRACKING AND MANAGEMENT.—

(A) IN GENERAL.—Section 2225 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

(C) CONFORMING AMENDMENTS.—

(i) Section 812 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-393; 114 Stat. 1654A-213; 10 U.S.C. 2225 note) is amended by striking subsections (b) and (c).

(ii) Section 2330a(j) of title 10, United States Code, is amended—

(I) by striking paragraph (2);

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

(III) by adding at the end the following new paragraphs:

"(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given the term in section 134 of title 41.

"(6) SMALL BUSINESS ACT DEFINITIONS.—

(A) The term 'small business concern' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

(B) The terms 'small business concern owned and controlled by socially and economically disadvantaged individuals' and 'small business concern owned and controlled by women' have the meanings given such terms, respectively, in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3))."

(iii) Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 2358 note) is amended by striking "as defined in section 2225(f)(3)" and inserting "as defined in section 2330a(j)".

(3) PROCUREMENT OF COPIER PAPER CONTAINING SPECIFIED PERCENTAGES OF POST-CONSUMER RECYCLED CONTENT.—

(A) IN GENERAL.—Section 2378 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

(4) LIMITATION ON PROCUREMENT OF TABLE AND KITCHEN EQUIPMENT FOR OFFICERS' QUARTERS.—

(A) IN GENERAL.—Section 2387 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2387.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) Section 2302c of title 10, United States Code, is repealed.

(ii) Section 2301 of title 41, United States Code, is amended by adding at the end the following new subsection:

"(f) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—In this section, the term 'executive agency' does not include the Department of Defense."

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

#### SEC. 834. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost-sharing arrangements;

(6) innovative contractor incentive practices; and

(7) other innovative implementations of acquisition flexibilities.

#### SEC. 835. PROTECTION OF TASK ORDER COMPETITION.

(a) AMENDMENT TO VALUE OF AUTHORIZED TASK ORDER PROTESTS.—Section 2304c(e)(1)(B) of title 10, United States Code, is amended by striking "\$10,000,000" and inserting "\$25,000,000".

(b) REPEAL OF EFFECTIVE DATE.—Section 4106(f) of title 41, United States Code, is amended by striking paragraph (3).

#### SEC. 836. CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may close out a contract or group of contracts as described in subsection (b) through the issuance of one or more modifications to such contracts without completing a reconciliation audit or other corrective action. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriation for such contract line item has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—This section covers any contract or group of contracts between the Department of Defense and a defense contractor, each one of which—

(1) was entered into prior to fiscal year 2000;

(2) has no further supplies or services deliverables due under the terms and conditions of the contract; and

(3) is determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time or effort required to determine the exact amount owed to the contractor is disproportionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any contract or group of contracts covered by this section may be closed out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(2) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

(e) ADJUSTMENT AND CLOSURE OF RECORDS.—After closeout of any contract described in subsection (b) using the authority under this section, the payment or accounting offices concerned may adjust and close any open finance and accounting records relating to the contract.

(f) NO LIABILITY.—No liability shall attach to any accounting, certifying, or payment official, or any contracting officer, for any adjustments or closeout made pursuant to the authority under this section.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

#### SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to such contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriation for such contract line item has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation obligated to fund each contract and regardless of whether the appropriation has closed.

(b) CONTRACTS COVERED.—The contracts covered by this section are a group of contracts that are with one contractor and identified by the Secretary, each one of which is a contract—

(1) to design, construct, repair, or support the construction or repair of Navy submarines that—

(A) was entered into between fiscal years 1974 and 1998; and

(B) has no further supply or services deliverables due under the terms and conditions of the contract;

(2) with respect to which the Secretary of the Navy has established the total final contract value; and

(3) with respect to which the Secretary of the Navy has determined that the final allowable cost may have a negative or positive unliquidated obligation balance for which it would be difficult to determine the year or type of appropriation because—

(A) the records for the contract have been destroyed or lost; or

(B) the records for the contract are available but the contracting officer, in collaboration with the certifying official, has determined that a discrepancy is of such a minimal value that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

(c) CLOSEOUT TERMS.—The contracts described in subsection (b) may be closed out—

(1) upon receipt of \$581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;

(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(2) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense committees not later than 10 days after exercising the authority under paragraph (1). The notice shall include an identification of each provision of law or regulation waived.

(e) ADJUSTMENT AND CLOSURE OF RECORDS.—After closeout of any contract described in subsection (b) using the authority under this section, the payment or accounting offices concerned may adjust and close any open finance and accounting records relating to the contract.

(f) NO LIABILITY.—No liability shall attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority under this section.

(g) EXPIRATION OF AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).

**Subtitle D—Provisions Relating to Major Defense Acquisition Programs**

**SEC. 841. CHANGE IN DATE OF SUBMISSION TO CONGRESS OF SELECTED ACQUISITION REPORTS.**

Section 2432(f) of title 10, United States Code, is amended by striking “45” the first place it occurs and inserting “30”.

**SEC. 842. AMENDMENTS RELATING TO INDEPENDENT COST ESTIMATION AND COST ANALYSIS.**

(a) AMENDMENTS.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by striking “selection of confidence levels” both places it appears and inserting “discussion of risk”;

(2) in subsection (a)(6)—

(A) by inserting “or approve” after “conduct”;

(B) by striking “major defense acquisition programs” and all that follows through “Authority—” and inserting “all major defense acquisition programs and major subprograms—”; and

(C) in subparagraph (B), by striking “or upon the request” and all that follows through the semicolon at the end and inserting “, upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics, or upon the request of the milestone decision authority”;

(3) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (h), respectively;

(4) by inserting after subsection (a) the following new subsection (b):

“(b) INDEPENDENT COST ESTIMATE REQUIRED BEFORE APPROVAL.—(1) A milestone decision authority may not approve entering a milestone phase of a major defense acquisition program or major subprogram unless an independent cost estimate has been conducted or approved by the Director of Cost Assessment and Program Evaluation and considered by the milestone decision authority that—

“(A) for the technology maturation and risk reduction phase, includes the identification and sensitivity analysis of key cost drivers that may affect life-cycle costs of the program or subprogram; and

“(B) for the engineering and manufacturing development phase, or production and deployment phase, includes a cost estimate of the full life-cycle cost of the program or subprogram.

“(2) The regulations governing the content and submission of independent cost estimates required by subsection (a) shall require that the independent cost estimate of the full life-cycle cost of a program or subprogram include—

“(A) all costs of development, procurement, military construction, operations and support, and trained manpower to operate, maintain, and support the program or subprogram upon full operational deployment, without regard to funding source or management control; and

“(B) an analysis to support decisionmaking that identifies and evaluates alternative courses of action that may reduce cost and risk, and result in more affordable programs and less costly systems.”;

(5) in subsection (d), as so redesignated, in paragraph (3), by striking “confidence level” and inserting “discussion of risk”;

(6) in subsection (e), as so redesignated—

(A) by amending the subsection heading to read as follows: “DISCUSSION OF RISK IN COST ESTIMATES.—”;

(B) by amending paragraph (1) to read as follows:

“(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs and major subprograms.”;

(C) in paragraph (2)—

(i) by striking “such confidence level provides” and inserting “cost estimates are developed, to the extent practicable, based on historical actual cost information that is based on

demonstrated contractor and Government performance and that such estimates provide”; and

(ii) by inserting “or subprogram” after “the program”; and

(D) in paragraph (3), by striking “disclosure required by paragraph (1)” and inserting “information required in the guidance under paragraph (1)”; and

(7) by inserting after subsection (f), as so redesignated, the following new subsection:

“(g) GUIDELINES AND COLLECTION OF COST DATA.—(1) The Director of Cost Assessment and Program Evaluation shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, develop policies, procedures, guidance, and a collection method to ensure that quality acquisition cost data are collected to facilitate cost estimation and comparison across acquisition programs.

“(2) The program manager and contracting officer for each acquisition program in an amount greater than \$100,000,000, in consultation with the cost estimating component of the relevant military department or Defense Agency, shall ensure that cost data are collected in accordance with the requirements of paragraph (1).

“(3) The requirement under paragraph (1) may be waived only by the Director of Cost Assessment and Program Evaluation.”.

(b) CONFORMING AMENDMENTS TO ADD SUBPROGRAMS.—Section 2334 of such title is further amended—

(1) in subsection (a)(2), by inserting “or major subprogram” before “under chapter 144”;

(2) in paragraphs (3), (4), and (5) of subsection (a) and in subsection (c)(1) (as redesignated by subsection (a) of this section), by striking “major defense acquisition programs and major automated information system programs” and inserting “major defense acquisition programs and major subprograms” each place it appears;

(3) in paragraphs (1) and (2) of subsection (d) (as so redesignated), and in subsection (f)(4) (as so redesignated), by striking “major defense acquisition program or major automated information system program” and inserting “major defense acquisition program or major subprogram” each place it appears;

(4) in subsection (d)(4) (as so redesignated), by inserting before the period “or major subprogram”;

(5) in subsection (e)(3)(B) (as so redesignated), by inserting “or major subprogram” after “major defense acquisition program”; and

(6) in subsection (f)(3) (as so redesignated), by striking “major defense acquisition program and major automated information system program” and inserting “major defense acquisition program and major subprogram”.

(c) REPEAL.—Chapter 144 of such title is amended—

(1) by striking section 2434; and

(2) in the table of sections at the beginning of such chapter, by striking the item relating to such section.

**SEC. 843. REVISIONS TO MILESTONE B DETERMINATIONS.**

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “acquisition cost in” and all that follows through the semicolon, and inserting “life-cycle cost.”; and

(2) in subparagraph (D), by striking “funding is” and all that follows through “made,” and inserting “funding is expected to be available to execute the product development and production plan for the program.”.

**SEC. 844. REVIEW AND REPORT ON SUSTAINMENT PLANNING IN THE ACQUISITION PROCESS.**

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall conduct a review of the extent to which sustainment matters are considered in decisions related to the requirements, research and development, acquisition, cost estimating, and programming and budgeting proc-

esses for major defense acquisition programs. The review shall include the following:

(1) A determination of whether information related to the operation and sustainment of major defense acquisition programs, including cost data and intellectual property requirements, is available to inform decisions made during those processes.

(2) If such information exists, an evaluation of the completeness, timeliness, quality, and suitability of the information for aiding in decisions made during those processes.

(3) A determination of whether information related to the operation and sustainment of existing major weapon systems is used to forecast the operation and sustainment needs of major weapon systems proposed for or under development.

(4) A description of the potential benefits from improved completeness, timeliness, quality, and suitability of data on operation and support costs and increased consideration of such data.

(5) Recommendations for improving access to, analyses of, and consideration of operation and support cost data.

(6) An assessment of product support strategies for major weapon systems required by section 2337 of title 10, United States Code, or other similar life-cycle sustainment strategies, including an evaluation of—

(A) the stage at which such strategies are developed during the life of a major weapon system;

(B) the content and completeness of such strategies, including whether such strategies address—

(i) all aspects of total life-cycle management of a major weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, and software sustainment; and

(ii) the capabilities, capacity, and resource constraints of the organic industrial base and the materiel commands of the military department concerned;

(C) the extent to which such strategies or their elements are or should be incorporated into the acquisition strategy required by section 2431a of title 10, United States Code;

(D) the extent to which such strategies influence the planning for major defense acquisition programs; and

(E) the extent to which such strategies influence decisions related to the life-cycle management and product support of major weapon systems.

(7) An assessment of how effectively the military departments consider sustainment matters at key decision points for acquisition and life-cycle management in accordance with the requirements of sections 2431a, 2366a, 2366b, and 2337 of title 10, United States Code, and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note).

(8) Recommendations for improving the consideration of sustainment during the requirements, acquisition, cost estimating, programming and budgeting processes.

(9) An assessment of whether research and development efforts and adoption of commercial technologies is prioritized to reduce sustainment costs.

(10) An assessment of whether alternate financing methods, including share-in-savings approaches, public-private partnerships, and energy savings performance contracts, could be used to encourage the development and adoption of technologies and practices that will reduce sustainment costs.

(11) An assessment of private sector best practices in assessing and reducing sustainment costs for complex systems.

(b) AGREEMENT WITH INDEPENDENT ENTITY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with an independent entity with appropriate expertise to conduct the review

required by subsection (a). The Secretary shall ensure that the independent entity has access to all data, information, and personnel required, and is funded, to satisfactorily complete the review required by subsection (a). The agreement also shall require the entity to provide to the Secretary a report on the findings of the entity.

(c) **BRIEFING.**—Not later than April 1, 2017, the Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the preliminary findings of the independent entity.

(d) **SUBMISSION TO CONGRESS.**—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a copy of the report of the independent entity, along with comments on the report, proposed revisions or clarifications to laws related to lifecycle management or sustainment planning for major weapon systems, and a description of any actions the Secretary may take to revise or clarify regulations and practices related to life-cycle management or sustainment planning for major weapon systems.

**SEC. 845. REVISION TO DISTRIBUTION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.**

Section 139(h) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting “the Secretaries of the military departments,” after “Logistics.”; and

(B) by striking “10 days” and all that follows through “title 31” and inserting “January 31 of each year, through January 31, 2021”; and

(2) in paragraph (5), by inserting after “Secretary” the following: “of Defense and the Secretaries of the military departments”.

**SEC. 846. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.**

Effective September 30, 2017—

(1) chapter 144A of title 10, United States Code, is repealed;

(2) the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A; and

(3) section 2334(a)(2) of title 10, United States Code, is amended by striking “or a major automated information system under chapter 144A of this title”.

**SEC. 847. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.**

(a) **IN GENERAL.**—Section 2430 of title 10, United States Code, is amended in subsection (a)—

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

(2) by striking “In this chapter” and inserting “(1) Except as provided under paragraph (2), in this chapter”; and

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

“(2) In this chapter, the term ‘major defense acquisition program’ does not include an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).”.

(b) **ANNUAL REPORTING.**—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.

**SEC. 848. ACQUISITION STRATEGY.**

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting “, or the milestone decision authority, when the milestone decision authority is the service acquisi-

tion executive of the military department that is managing the program,” after “the Under Secretary of Defense for Acquisition, Technology, and Logistics”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “, or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,” after “the Under Secretary”; and

(B) in paragraph (2)(C), by striking “, in accordance with section 2431b of this title”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the” and inserting “The”; and

(B) in paragraph (2), by inserting “because of a change described in paragraph (1)(F)” after “for a program or system”.

**SEC. 849. IMPROVED LIFE-CYCLE COST CONTROL.**

(a) **MODIFIED GUIDANCE FOR RAPID FIELDING PATHWAY.**—Section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

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

“(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.”.

(b) **LIFE-CYCLE COST MANAGEMENT.**—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting “life-cycle cost management,” after “budgeting.”.

(c) **SUSTAINMENT REVIEWS.**—

(1) **IN GENERAL.**—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2441. Sustainment reviews**

“(a) **IN GENERAL.**—The Secretary of each military department shall conduct a sustainment review of each major weapon system not later than five years after declaration of initial operational capability of a major defense acquisition program and throughout the life cycle of the weapon system to assess the product support strategy, performance, and operation and support costs of the weapon system. For any review after the first one, the Secretary concerned shall use availability and reliability thresholds and cost estimates as the basis for the circumstances that prompt such a review. The results of the sustainment review shall be documented in a memorandum by the relevant decision authority.

“(b) **ELEMENTS.**—At a minimum, the review required under subsection (a) shall include the following elements:

“(1) An independent cost estimate for the remainder of the life cycle of the program.

“(2) A comparison of actual costs to the amount of funds budgeted and appropriated in the previous five years, and if funding shortfalls exist, an explanation of the implications on equipment availability.

“(3) A comparison between the assumed and achieved system reliabilities.

“(4) An analysis of the most cost-effective source of repairs and maintenance.

“(5) An evaluation of the cost of consumables and depot-level repairables.

“(6) An evaluation of the costs of information technology, networks, computer hardware, and software maintenance and upgrades.

“(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

“(8) As applicable, a comparison of actual manpower requirements to previous estimates.

“(9) An analysis of whether accurate and complete data are being reported in the cost sys-

tems of the military department concerned, and if deficiencies exist, a plan to update the data and ensure accurate and complete data are submitted in the future.

“(c) **COORDINATION.**—The review required under subsection (a) shall be conducted in coordination with the requirements of section 2337 of this title and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note).”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2441. Sustainment reviews.”.

(d) **COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.**—

(1) **IN GENERAL.**—The Secretary of Defense may establish a commercial operational and support savings initiative to improve readiness and reduce operations and support costs by inserting existing commercial items or technology into military legacy systems through the rapid development of prototypes and fielding of production items based on current commercial technology.

(2) **PROGRAM PRIORITY.**—The commercial operational and support savings initiative shall fund programs that—

(A) reduce the costs of owning and operating a military system, including the costs of personnel, consumables, goods and services, and sustaining the support and investment associated with the peacetime operation of a weapon system;

(B) take advantage of the commercial sector’s technological innovations by inserting commercial technology into fielded weapon systems; and

(C) emphasize prototyping and experimentation with new technologies and concepts of operations.

(3) **FUNDING PHASES.**—

(A) **IN GENERAL.**—Projects funded under the commercial operational and support savings initiative shall consist of two phases, Phase I and Phase II.

(B) **PHASE I.**—(i) Funds made available during Phase I shall be used to perform the non-recurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military department or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a demonstrated prototype to a military department for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I funding for a project. The military department or Defense Agency concerned may provide the remainder of Phase I funding, which may be provided out of operation and maintenance funding.

(v) Phase I funding shall not exceed three years.

(vi) Phase I projects shall be selected based on a merit-based process using criteria to be established by the Secretary of Defense.

(C) **PHASE II.**—(i) Phase II shall include the purchase of limited production quantities of the prototype kits and transition to a program of record for continued sustainment.

(ii) Phase II awards may be made without competition if general solicitation competitive procedures were used for the selection of parties for participation in a Phase I project.

(iii) Phase II awards may be made as firm fixed-price awards.

(4) TREATMENT AS COMPETITIVE PROCEDURES.—The use of a merit-based process for selection of projects under the commercial operational and support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

**SEC. 850. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.**

Section 2430a(1)(B) of title 10, United States Code, is amended by striking “major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks” and inserting “major defense acquisition program requires the delivery of two or more increments or blocks”.

**SEC. 851. REPORTING OF SMALL BUSINESS PARTICIPATION ON DEPARTMENT OF DEFENSE PROGRAMS.**

(a) REPORT REQUIREMENT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report covering the following matters for the preceding fiscal year:

(1) For each prime contract goal established by section 15(g)(1)(A) of the Small Business Act (15 U.S.C. 644(g)(1)(A)), the total value and percentage of prime contracts awarded by the Department of Defense and attributed to each prime contract goal for prime contracts awarded for major defense acquisition programs.

(2) For each subcontract goal established by section 15(g)(1)(A) of the Small Business Act (15 U.S.C. 644(g)(1)(A)), the total value and percentage of first tier subcontract awards attributed to each subcontract goal for subcontracts awarded in support of prime contracts awarded by the Department of Defense for major defense acquisition programs.

(3) For the prime contract and subcontract goals negotiated with the Department of Defense pursuant to section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2))—

(A) the information reported by the Department of Defense to the Small Business Administration pursuant to section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)); and

(B) the information required by subparagraph (A) calculated after excluding—

(i) contracts awarded pursuant to chapter 85 of title 41, United States Code (popularly referred to as the Javits-Wagner-O’Day Act);

(ii) contracts awarded to the American Institute in Taiwan;

(iii) contracts awarded and performed outside of the United States;

(iv) acquisition on behalf of foreign governments, entities, or international organizations; and

(v) contracts for major defense acquisition programs.

(b) SUNSET.—The requirement to submit a report under subsection (a) shall not apply after the Secretary submits the report covering fiscal year 2020.

**SEC. 852. WAIVER OF CONGRESSIONAL NOTIFICATION FOR ACQUISITION OF TACTICAL MISSILES AND MUNITIONS GREATER THAN QUANTITY SPECIFIED IN LAW.**

Section 2308(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The head”;

(2) by inserting “, except as provided in paragraph (2),” after “but”; and

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

“(2) A notification is not required under paragraph (1) if the end item being acquired in a higher quantity is an end item under a tactical missile program or a munitions program.”.

**SEC. 853. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.**

(a) AUTHORITY.—The Secretary of Defense may conduct a multiyear contract, over a period

of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies, and quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in subsection (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section:

(1) The term “high rate” means total annual production across the multiple defense programs of more than 200 end-items per year.

(2) The term “common facilities” means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be awarded under the authority of this section after September 30, 2021.

**SEC. 854. KEY PERFORMANCE PARAMETER REDUCTION PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program under which the Secretary may identify at least one acquisition program in each military department for reduction of the total number of key performance parameters established for the program, for purposes of determining whether operational and programmatic outcomes of the program are improved by such reduction.

(b) LIMITATION ON KEY PERFORMANCE PARAMETERS.—Any acquisition program identified for the pilot program carried out under subsection (a) shall establish no more than three key performance parameters, each of which shall describe a program-specific performance attribute. Any key performance parameters for such a program that are required by statute shall be treated as key system attributes.

**SEC. 855. MISSION INTEGRATION MANAGEMENT.**

(a) IN GENERAL.—The Secretary of Defense shall establish mission integration management activities for each mission area specified in subsection (b).

(b) COVERED MISSION AREAS.—The mission areas specified in this subsection are mission areas that involve multiple Armed Forces and multiple programs and, at a minimum, include the following:

(1) Close air support.

(2) Air defense and offensive and defensive counter-air.

(3) Interdiction.

(4) Intelligence, surveillance, and reconnaissance.

(5) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff for purposes of this subsection.

(c) QUALIFICATIONS.—Mission integration management activities shall be performed by qualified personnel from the acquisition and operational communities.

(d) RESPONSIBILITIES.—The mission integration management activities for a mission area under this section shall include—

(1) development of technical infrastructure for engineering, analysis, and test, including data, modeling, analytic tools, and simulations;

(2) the conduct of tests, demonstrations, exercises, and focused experiments for compelling challenges and opportunities;

(3) overseeing the implementation of section 2446c of title 10, United States Code;

(4) sponsoring and overseeing research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

(5) developing mission-based inputs for the requirements process, assessment of concepts, prototypes, design options, budgeting and resource allocation, and program and portfolio management; and

(6) coordinating with commanders of the combatant commands on the development of concepts of operation and operational plans.

(e) SCOPE.—The mission integration management activities for a mission area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(f) FUNDING.—There is authorized to be made available annually such amounts as the Secretary of Defense determines appropriate from the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) for mission integration management activities listed in subsection (d).

(g) STRATEGY.—The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget for the Department of Defense for fiscal year 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a strategy for mission integration management, including a resourcing strategy for mission integration managers to carry out the responsibilities specified in this section.

**Subtitle E—Provisions Relating to Acquisition Workforce**

**SEC. 861. PROJECT MANAGEMENT.**

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

“(c) PROGRAM AND PROJECT MANAGEMENT.—“(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

“(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

“(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

“(C) chair the Program Management Policy Council established under section 1126(b);

“(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

“(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

“(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

“(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

“(H) establish a 5-year strategic plan for program and project management.

“(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of—

“(A) the provisions of chapter 87 of title 10; or

“(B) policy, guidance, or instruction of the Department related to program management.”.

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the

date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

**“§1126. Program Management Improvement Officers and Program Management Policy Council**

“(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

“(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

“(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

“(A) implement program management policies established by the agency under section 503(c); and

“(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

“(i) Enhanced training and educational opportunities for program managers that shall include—

“(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

“(II) training that emphasizes cost containment for large projects and programs.

“(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

“(iii) Improved career paths and career opportunities for program managers.

“(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

“(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

“(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

“(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10. For purposes of paragraph (1), the Under Secretary of Defense for Acquisition, Technology, and Logistics (or a designee of the Under Secretary) shall be considered the Program Management Improvement Officer.

“(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

“(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the ‘Program Management Policy Council’ (in this subsection referred to as the ‘Council’).

“(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

“(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

“(B) review programs identified as high risk by the Government Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

“(C) discuss topics of importance to the workforce, including—

“(i) career development and workforce development needs;

“(ii) policy to support continuous improvement in program and project management; and

“(iii) major challenges across agencies in managing programs;

“(D) advise on the development and applicability of standards governmentwide for program management transparency; and

“(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

“(3) MEMBERSHIP.—

“(A) COMPOSITION.—The Council shall be composed of the following members:

“(i) Five members from the Office of Management and Budget as follows:

“(I) The Deputy Director for Management.

“(II) The Administrator of the Office of Electronic Government.

“(III) The Administrator of Federal Procurement Policy.

“(IV) The Controller of the Office of Federal Financial Management.

“(V) The Director of the Office of Performance and Personnel Management.

“(ii) The Program Management Improvement Officer from each agency described in section 901(b).

“(iii) Any other full-time or permanent part-time officer or employee of the Federal Government or member of the Armed Forces designated by the Chairperson.

“(B) CHAIRPERSON AND VICE CHAIRPERSON.—

“(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

“(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

“(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

“(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.”.

(2) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term “agency” means each agency described in section 901(b) of title 31, United States Code, other than the Department of Defense.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall issue, in conjunction with the high risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

**SEC. 862. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.**

(a) PROGRAM DEFINITION PERIOD.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is amended by striking “The Secretary may waive” and inserting “The service acquisition executive, in the case of a major defense acquisition program of a military department, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive”.

(b) PROGRAM EXECUTION PERIOD.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is amended by striking “The immediate supervisor of a program manager for a major defense acquisition program may waive” and inserting “The service acquisition executive, in the case of a major defense acquisition program of a military department, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive”.

**SEC. 863. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED; ADVISORY PANEL AMENDMENTS.**

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by inserting “and to develop acquisition tools and methodologies, and undertake research and development activities, leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts” after “workforce of the Department”; and

(B) in paragraph (4), by striking “other than for the purpose of” and all that follows through the period at the end and inserting “other than for the purposes of—

“(A) providing advanced training to Department of Defense employees;

“(B) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

“(C) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning.”; and

(2) in subsection (f), by striking “Each report shall include” and all that follows through the period at the end of paragraph (5).

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

(1) in subsection (d)(2)(C), by striking “in each” and inserting “in such”;

(2) in subsection (f)—

(A) by striking “Not later than 120 days after the end of each fiscal year” and inserting “Not later than February 1 each year”; and

(B) by striking “such fiscal year” the first place it appears and inserting “the preceding fiscal year”; and

(3) in subsection (g)(1)—

(A) by striking “of of” and inserting “of”; and

(B) by striking “, as defined in subsection (h),”.

(c) **LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES.**—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017, not more than \$35,000,000 may be obligated or expended for the purposes set forth in subparagraphs (B) and (C) of section 1705(e)(4) of title 10, United States Code, as added by subsection (a).

(d) **AMENDMENTS TO ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.**—Section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 889) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish an independent advisory panel on streamlining acquisition regulations. The panel shall be supported by the Defense Acquisition University and the National Defense University, including administrative support.”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “and analysis” and inserting “, analysis, and logistics support”; and

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

“(3) **AUTHORITIES.**—The panel shall have the authorities provided in section 3161 of title 5, United States Code.”.

**SEC. 864. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND DETERMINATION ADJUSTMENT.**

(a) **CREDIT TO RAPID PROTOTYPING FUND.**—Notwithstanding section 1705(d)(2)(B) of title 10, United States Code, of the funds credited to the Department of Defense Acquisition Workforce Development Fund in fiscal year 2017 pursuant to such section, \$225,000,000 shall be transferred to the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note). Of the \$225,000,000 so transferred, \$75,000,000 shall be credited to each of the military department-specific funds established under section 804(d)(2) of such Act (as added by section 897 of this Act).

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 804(d)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) is amended—

(1) in the first sentence, by inserting a comma after “may be available”;

(2) at the end of the first sentence, by inserting before the period the following: “and other purposes specified in law”; and

(3) in the last sentence, by striking “shall consist of” and all that follows through “this Act.” and inserting the following: “shall consist of—

“(i) amounts appropriated to the Fund;

“(ii) amounts credited to the Fund pursuant to section 828 of this Act; and

“(iii) any other amounts appropriated to, credited to, or transferred to the Fund.”.

**SEC. 865. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.**

(a) **LIMITATIONS.**—

(1) **FOR FISCAL YEARS 2017 AND 2018.**—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the “fiscal year 2016 staff augmentation contracts funding amount”).

(2) **FOR FISCAL YEARS 2018 THROUGH 2022.**—The total amount obligated by the Department for any fiscal year after fiscal year 2018 and before fiscal year 2023 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) **DEFINITIONS.**—In this section:

(1) The term “contract services” has the meaning given that term in section 235 of title 10, United States Code.

(2) The term “staff augmentation contracts” means services contracts for personnel who are physically present in a Government work space on a full-time or permanent part-time basis, for the purpose of advising on, providing support to, or assisting a Government agency in the performance of the agency’s missions, including authorized personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

**SEC. 866. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.**

(a) **POSITIONS.**—

(1) **IN GENERAL.**—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

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

“(a) **POSITION.**—

“(1) **IN GENERAL.**—The Secretary of Defense may establish in the Defense Acquisition Corps a position to be known as ‘Senior Military Acquisition Advisor’.

“(2) **APPOINTMENT.**—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

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

“(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the service acquisition executive of that officer’s military department in accordance with this section; and

“(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

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

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

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

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

“(d) **SELECTION AND TENURE.**—

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

“(2) **OFFICERS ELIGIBLE.**—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

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

“(e) **LIMITATION.**—

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

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

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

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

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

“(f) **ADVICE TO SERVICE ACQUISITION EXECUTIVE.**—An officer who is a Senior Military Acquisition Advisor shall have as the officer’s primary duty providing strategic, technical, and programmatic advice to the service acquisition executive of the officer’s military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

“1725. Senior Military Acquisition Advisors.”.

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

“(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.”.

**SEC. 867. AUTHORITY OF THE SECRETARY OF DEFENSE UNDER THE ACQUISITION DEMONSTRATION PROJECT.**

(a) **AMENDMENT.**—Section 1762(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall exercise the authorities granted to the Office of Personnel Management under section 4703 of title 5 for purposes of the demonstration project authorized under this section.”.

(b) **EFFECTIVE DATE.**—Paragraph (4) of section 1762(b) of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning 60 days after the date of the enactment of this Act.

**Subtitle F—Provisions Relating to  
Commercial Items**

**SEC. 871. MARKET RESEARCH FOR DETERMINATION OF PRICE REASONABLENESS IN ACQUISITION OF COMMERCIAL ITEMS.**

Section 2377 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e), and in that subsection by striking “subsection (c)” and inserting “subsections (c) and (d)”; and

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

“(d) MARKET RESEARCH FOR PRICE ANALYSIS.—The Secretary of Defense shall ensure that procurement officials in the Department of Defense conduct or obtain market research to support the determination of the reasonableness of price for commercial items contained in any bid or offer submitted in response to an agency solicitation. To the extent necessary to support such market research, the procurement official for the solicitation—

“(1) in the case of items acquired under section 2379 of this title, shall use information submitted under subsection (d) of that section; and

“(2) in the case of other items, may require the offeror to submit relevant information.”

**SEC. 872. VALUE ANALYSIS FOR THE DETERMINATION OF PRICE REASONABLENESS.**

Subsection 2379(d) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) An offeror may submit information or analysis relating to the value of a commercial item to aid in the determination of the reasonableness of the price of such item. A contracting officer may consider such information or analysis in addition to the information submitted pursuant to paragraphs (1)(A) and (1)(B).”

**SEC. 873. CLARIFICATION OF REQUIREMENTS RELATING TO COMMERCIAL ITEM DETERMINATIONS.**

Paragraphs (1) and (2) of section 2380 of title 10, United States Code, are amended to read as follows:

“(1) establish and maintain a centralized capability with necessary expertise and resources to provide assistance to the military departments and Defense Agencies in making commercial item determinations, conducting market research, and performing analysis of price reasonableness for the purposes of procurements by the Department of Defense; and

“(2) provide to officials of the Department of Defense access to previous Department of Defense commercial item determinations, market research, and analysis used to determine the reasonableness of price for the purposes of procurements by the Department of Defense.”

**SEC. 874. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.**

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 2375 of title 10, United States Code, is amended to read as follows:

**“§2375. Relationship of commercial item provisions to other provisions of law**

“(a) APPLICABILITY OF GOVERNMENT-WIDE STATUTES.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

“(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

“(3) No contract for the procurement of a commercially available off-the-shelf item entered

into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

“(b) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.

“(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

“(c) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to subcontracts under a contract for the procurement of commercial items.

“(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision or contract clause requirement.

“(3) In this subsection, the term ‘subcontract’ includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

“(4) This subsection does not authorize the waiver of the applicability of any provision of law or contract clause requirement with respect to any first-tier subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

“(d) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE, OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law

that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to Department of Defense contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

“(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision or contract clause requirement.

“(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

“(1) provides for criminal or civil penalties; or

“(2) requires that certain articles be bought from American sources pursuant to section 2533a of this title, or requires that strategic materials critical to national security be bought from American sources pursuant to section 2533b of this title; or

“(3) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.”

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for the procurement of commercially available off-the-shelf items, unless such clauses are—

(i) required to implement provisions of law or executive orders applicable to such contracts; or

(ii) determined to be consistent with standard commercial practice; and

(B) the flow-down of contract clauses to subcontracts under contracts for the procurement of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provisions of law or executive orders applicable to such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the term “subcontract” includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

**SEC. 875. USE OF COMMERCIAL OR NON-GOVERNMENT STANDARDS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses commercial or non-Government specifications and standards in lieu of military specifications and standards, including for procuring

new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a commercial or non-Government standard, a Government-unique specification may be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable commercial or non-Government standard or when the use of a commercial or non-Government standard is not cost effective.

(2) WAIVER.—A waiver for the use of military specifications in accordance with paragraph (1) shall be approved by either the appropriate milestone decision authority, the appropriate service acquisition executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REVISION TO DFARS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement to encourage contractors to propose commercial or non-Government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop commercial or non-Government standards for replacement of military specifications and standards where practicable.

(e) EDUCATION, TRAINING, AND GUIDANCE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training, education, and guidance programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense and shall maintain an inventory of such licenses that is accessible to other Department of Defense organizations.

#### SEC. 876. PREFERENCE FOR COMMERCIAL SERVICES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2377 note) to provide that—

(1) the head of an agency may not enter into a contract in excess of \$10,000,000 for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services unless the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the commander of the combatant command concerned, or the Under Secretary of Defense for Acquisition, Technology, and Logistics (as applicable) determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code; and

(2) the head of an agency may not enter into a contract in an amount above the simplified acquisition threshold and below \$10,000,000 for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services unless the contracting officer determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of such title.

#### SEC. 877. TREATMENT OF COMMINGLED ITEMS PURCHASED BY CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§2380B. Treatment of commingled items purchased by contractors as commercial items

“Notwithstanding 2376(1) of this title, items valued at less than \$10,000 that are purchased by a contractor for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract shall be treated as a commercial item for purposes of this chapter.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2380A the following new item:

“2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items.”.

#### SEC. 878. TREATMENT OF SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2380A of title 10, United States Code, is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(a) GOODS AND SERVICES PROVIDED BY NONTRADITIONAL DEFENSE CONTRACTORS.—Notwithstanding”; and

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

“(b) SERVICES PROVIDED BY CERTAIN NONTRADITIONAL CONTRACTORS.—Notwithstanding section 2376(1) of this title, services provided by a business unit that is a nontraditional defense contractor (as that term is defined in section 2302(9) of this title) shall be treated as commercial items for purposes of this chapter, to the extent that such services use the same pool of employees as used for commercial customers and are priced using methodology similar to methodology used for commercial pricing.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title 10, United States Code, as amended by subsection (a), is further amended by striking the section heading and inserting the following:

##### “§2380a. Treatment of certain items as commercial items”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by striking the item relating to section 2380A and inserting the following new item:

“2380a. Treatment of certain items as commercial items.”.

#### SEC. 879. DEFENSE PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS, TECHNOLOGIES, AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may carry out a pilot program, to be known as the “defense commercial solutions opening pilot program”, under which the Secretary may acquire innovative commercial items, technologies, and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary may not enter into a contract or agreement under the pilot program for an amount in excess of \$100,000,000 without a written determination from the Under Secretary for Acquisition, Logistics, and Tech-

nology or the relevant service acquisition executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military department.

(2) FIXED-PRICE REQUIREMENT.—Contracts or agreements entered into under the program shall be fixed-price, including fixed-price incentive fee contracts.

(3) TREATMENT AS COMMERCIAL ITEMS.—Notwithstanding section 2376(1) of title 10, United States Code, items, technologies, and services acquired under the pilot program shall be treated as commercial items.

(d) GUIDANCE.—Not later than six months after the date of the enactment of this Act, the Secretary shall issue guidance for the implementation of the pilot program under this section within the Department of Defense. Such guidance shall be issued in consultation with the Director of the Office of Management and Budget and shall be posted for access by the public.

(e) CONGRESSIONAL NOTIFICATION REQUIRED.—

(1) IN GENERAL.—Not later than 45 days after the award of a contract for an amount exceeding \$100,000,000 using the authority in subsection (a), the Secretary of Defense shall notify the congressional defense committees of such award.

(2) ELEMENTS.—Notice of an award under paragraph (1) shall include the following:

(A) Description of the innovative commercial item, technology, or service acquired.

(B) Description of the requirement, capability gap, or potential technological advancement with respect to which the innovative commercial item, technology, or service acquired provides a solution or a potential new capability.

(C) Amount of the contract awarded.

(D) Identification of contractor awarded the contract.

(f) DEFINITION.—In this section, the term “innovative” means—

(1) any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or

(2) any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.

(g) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.

#### SEC. 880. PILOT PROGRAMS FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an agency may carry out a pilot program, to be known as a “commercial solutions opening pilot program”, under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(2) HEAD OF AN AGENCY.—In this section, the term “head of an agency” means the following:

(A) The Secretary of Homeland Security.

(B) The Administrator of General Services.

(3) APPLICABILITY OF SECTION.—This section applies to the following agencies:

(A) The Department of Homeland Security.

(B) The General Services Administration.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered, in the case of the Department of Homeland Security and the General Services Administration, to be use of competitive procedures for purposes of division C of title 41, United States Code (as defined in section 152 of such title).

(c) LIMITATION.—The head of an agency may not enter into a contract under the pilot program for an amount in excess of \$10,000,000.

(d) GUIDANCE.—The head of an agency shall issue guidance for the implementation of the pilot program under this section within that agency. Such guidance shall be issued in consultation with the Office of Management and

Budget and shall be posted for access by the public.

(e) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than three years after the date of the enactment of this Act, the head of an agency shall submit to the congressional committees specified in paragraph (3) a report on the activities the agency carried out under the pilot program.

(2) **ELEMENTS OF REPORT.**—Each report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(C) A recommendation on whether the authority for the pilot program should be made permanent.

(3) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees specified in this paragraph are the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) **INNOVATIVE DEFINED.**—In this section, the term “innovative” means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(g) **TERMINATION.**—The authority to enter into a contract under a pilot program under this section terminates on September 30, 2022.

**Subtitle G—Industrial Base Matters**

**SEC. 881. GREATER INTEGRATION OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

(a) **PLAN REQUIRED.**—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the national technology and industrial base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the national technology and industrial base, including government entities, universities, nonprofit research entities, nontraditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce items designated and controlled under section 38 of the Arms Export Control Act (also known as the “United States Munitions List”).

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the national technology and industrial base.

(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the national technology and industrial base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the national technology and industrial base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for nontraditional and commercial item contractors, universities, and nonprofit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the national technology and industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of

forces through changes to the text or the implementation of—

(A) section 126.5 of title 22, Code of Federal Regulations (relating to exemptions that are applicable to Canada under the International Traffic in Arms Regulations);

(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney on September 5, 2007;

(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007; and

(D) any other agreements among the countries comprising the national technology and industrial base.

(b) **AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**—Section 2500(1) of title 10, United States Code, is amended by inserting “, the United Kingdom of Great Britain and Northern Ireland, Australia,” after “United States”.

(c) **REPORTING REQUIREMENT.**—The Secretary of Defense shall report on the progress of implementing the plan in subsection (a) in the report required under section 2504 of title 10, United States Code.

**SEC. 882. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.**

Section 2501(b) of title 10, United States Code, is amended by striking “It is the policy of Congress that the United States attain” and inserting “The Secretary of Defense shall ensure that the United States attains”.

**SEC. 883. PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.**

(a) **AUTHORITY.**—The Secretary of Defense may carry out a six-year pilot program under which the Secretary may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contract for the production, modification, maintenance, or repair of a weapon system that is entered into by the Department of Defense.

(b) **SUPPORT CONTRACTS.**—

(1) **IN GENERAL.**—Any storage and distribution services to be provided under the pilot program 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 any such separate support contract between the Director of the Defense Logistics Agency and the contractor.

(2) **LIMITATION.**—Not more than five support contracts between the Director and the contractor may be awarded under the pilot program.

(c) **SCOPE OF SUPPORT AND SERVICES.**—The storage and distribution support services that may be provided under this section in support of the performance of a contract described in subsection (a) are storage and distribution of material and repair parts necessary for the performance of that contract.

(d) **REGULATIONS.**—Before exercising the authority under the pilot program under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under the pilot program only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be

made available under the pilot program, including—

(A) a statement that the storage and distribution services are to be made available under the authority of the pilot program under this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.

(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under the pilot program to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(5) A requirement that storage and distribution services provided under the pilot program may not interfere with the mission of the Defense Logistics Agency or of any military department involved with the pilot program.

(6) A requirement that any support contract for storage and distribution services entered into under the pilot program shall include a clause to indemnify the Government against any failure by the contractor to perform the support contract, and to remain responsible for performance of the primary contract.

(e) **RELATIONSHIP TO TREATY OBLIGATIONS.**—The Secretary shall ensure that the exercise of authority under the pilot program under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

(f) **REPORTS.**—

(1) **SECRETARY OF DEFENSE.**—Not later than the end of the fourth year of operation of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing—

(A) the cost effectiveness for both the Government and industry of the pilot program; and

(B) how support contracts under the pilot program affected meeting the requirements of primary contracts.

(2) **COMPTROLLER GENERAL.**—Not later than the end of the fifth year of operation of the pilot program, the Comptroller General of the United States shall review the report of the Secretary under paragraph (1) for sufficiency and provide such recommendations in a report to the Committees on Armed Services of the Senate and House of Representatives as the Comptroller General considers appropriate.

(g) **SUNSET.**—The authority to enter into contracts under the pilot program shall expire six years after the date of the enactment of this Act. Any contracts entered into before such date shall continue in effect according to their terms.

**SEC. 884. NONTRADITIONAL AND SMALL CONTRACTOR INNOVATION PROTOTYPING PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Defense shall conduct a pilot program for nontraditional defense contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new capabilities that could provide alternatives to existing acquisition programs and assets. The Secretary shall establish the pilot program within the Departments of the Army, Navy, and Air Force,

the Missile Defense Agency, and the United States Special Operations Command.

(b) **FUNDING.**—There is authorized to be made available \$250,000,000 from the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) **PLAN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and carry out the pilot program in future years.

(2) **ELEMENTS.**—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) broad agency announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the foreign comparative test program;

(D) projects carried out under the Rapid Innovation Program of the Department of Defense or pursuant to a Phase III agreement (as defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))); and

(E) streamlined procedures for acquisition provided under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) and procedures for alternative acquisition pathways established under section 805 of such Act (10 U.S.C. 2302 note).

(d) **PROGRAMS TO BE INCLUDED.**—As part of the pilot program, the Secretary of Defense shall allocate up to \$50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for demonstrations of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical takeoff and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and anti-tank missiles.

(8) Defense against hypersonic weapons, including sensors.

(9) Other systems as designated by the Secretary.

(e) **DEFINITIONS.**—In this section:

(1) **NONTRADITIONAL DEFENSE CONTRACTOR.**—The term “nontraditional defense contractor” has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) **SUNSET.**—The authority under this section expires at the close of September 30, 2026.

#### Subtitle H—Other Matters

##### SEC. 885. REPORT ON BID PROTESTS.

(a) **REPORT REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) **ELEMENTS.**—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) For employees of the Department, including the contracting officers, program executive officers, and program managers, the extent and manner in which the bid protest system affects or is perceived to affect—

(A) the development of a procurement to avoid protests rather than improve acquisition;

(B) the quality or quantity of pre-proposal discussions, discussions of proposals, or post-award debriefings;

(C) the decision to use lowest price technically acceptable procurement methods;

(D) the decision to make multiple awards or encourage teaming;

(E) the ability to meet an operational or mission need or address important requirements;

(F) the decision to use sole source award methods; and

(G) the decision to exercise options on existing contracts.

(2) With respect to a company bidding on contracts or task or delivery orders, the extent and manner in which the bid protest system affects or is perceived to affect—

(A) the decision to offer a bid or proposal on single award or multiple award contracts when the company is the incumbent contractor;

(B) the decision to offer a bid or proposal on single award or multiple award contracts when the company is not the incumbent contractor;

(C) the ability to engage in pre-proposal discussions, discussions of proposals, or post-award debriefings;

(D) the decision to participate in a team or joint venture; and

(E) the decision to file a protest with the agency concerned, the Government Accountability Office, or the Court of Federal Claims.

(3) A description of trends in the number of bid protests filed with agencies, the Government Accountability Office, and Federal courts, the effectiveness of each forum for contracts and task or delivery orders, and the rate of such bid protests compared to contract obligations and the number of contracts.

(4) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of \$100,000,000.

(5) A comparison of the number of protests, the values of contested orders or contracts, and the outcome of protests for—

(A) awards of contracts compared to awards of task or delivery orders;

(B) contracts or orders primarily for products, compared to contracts or orders primarily for services;

(C) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(D) contracts or awards with single protesters compared to multiple protesters; and

(E) contracts with single awards compared to multiple award contracts.

(6) An analysis of the number and disposition of protests filed with the contracting agency.

(7) A description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders awarded during the same period of time, overall and set forth separately by the value of the contract or order, as follows:

(A) Contracts valued in excess of \$3,000,000,000.

(B) Contracts valued between \$500,000,000 and \$3,000,000,000.

(C) Contracts valued between \$50,000,000 and \$500,000,000.

(D) Contracts valued between \$10,000,000 and \$50,000,000.

(E) Contracts valued under \$10,000,000.

(8) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of \$3,000,000,000.

(9) An analysis of how often protestors are awarded the contract that was the subject of the bid protest.

(10) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—

(A) at what point in the bid protest process the agency agreed to take corrective action;

(B) the average time for remedial action to be completed; and

(C) a determination regarding—

(i) whether or to what extent the decision to take the corrective action was a result of a determination by the agency that there had been a probable violation of law or regulation; or

(ii) whether or to what extent such corrective action was a result of some other factor.

(11) A description of the time it takes agencies to implement corrective actions after a ruling or decision, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent protest.

(12) An analysis of those contracts with respect to which a company files a protest (referred to as the “initial protest”) and later files another protest (referred to as the “subsequent protest”), analyzed by the forum of the initial protest and the subsequent protest, including any difference in the outcome, between the forums.

(13) An analysis of the effect of the quantity and quality of debriefings on the frequency of bid protests.

(14) An analysis of the time spent at each phase of the procurement process attempting to prevent a protest, addressing a protest, or taking corrective action in response to a protest, including the efficacy of any actions attempted to prevent the occurrence of a protest.

(c) **BRIEFING.**—Not later than March 1, 2017, the Secretary, or his designee, shall brief the Committees on Armed Services of the Senate and House of Representatives on interim findings of the independent entity.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

##### SEC. 886. REVIEW AND REPORT ON INDEFINITE DELIVERY CONTRACTS.

(a) **REPORT.**—The Comptroller General of the United States shall deliver, not later than March 31, 2018, a report to Congress on the use by the Department of Defense of indefinite delivery contracts entered into during fiscal years 2015, 2016, and 2017.

(b) **ELEMENTS.**—The report under subsection (a) shall address, at a minimum, the following:

(1) A review of Department of Defense policies for entering into and using indefinite delivery contracts, including requirements for competition, as well as the guidance, if any, on the appropriate number of vendors that should receive multiple award indefinite delivery contracts.

(2) The number and value of all indefinite delivery contracts entered into by the Department of Defense, including the number and value of such contracts entered into with a single vendor.

(3) An assessment of the number and value of indefinite delivery contracts entered into by the Department of Defense that included competition between multiple vendors.

(4) Selected case studies of indefinite delivery contracts, including an assessment of whether

any such contracts may have limited future opportunities for competition for the services or items required.

(5) Recommendations for potential changes to current law or Department of Defense acquisition regulations or guidance to promote competition with respect to indefinite delivery contracts.

**SEC. 887. REVIEW AND REPORT ON CONTRACTUAL FLOW-DOWN PROVISIONS.**

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall conduct a review of contractual flow-down provisions related to major defense acquisition programs on contractors and suppliers, including small businesses, contractors for commercial items, nontraditional defense contractors, universities, and not-for-profit research institutions. The review shall—

(1) identify the flow-down provisions that exist in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;

(2) identify the flow-down provisions that are critical for national security;

(3) examine the extent to which clauses in contracts with the Department of Defense are being applied inappropriately in subcontracts under the contracts;

(4) assess the applicability of flow-down provisions for the purchase of commodity items that are acquired in bulk for multiple acquisition programs;

(5) determine the unnecessary costs or burdens, if any, of flow-down provisions on the supply chain;

(6) determine the effect, if any, of flow-down provisions on the participation rate of small businesses, contractors for commercial items, nontraditional defense contractors, universities, and not-for-profit research organizations in defense acquisition efforts; and

(7) determine the effect, if any, of flow-down provisions on Department of Defense access to advanced research and technology capabilities available in the private sector.

(b) **CONTRACT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct the review required by subsection (a).

(c) **REPORT.**—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a report on the findings of the independent entity, along with a description of any actions that the Secretary proposes to address the findings of the independent entity.

**SEC. 888. REQUIREMENT AND REVIEW RELATING TO USE OF BRAND NAMES OR BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.**

(a) **REQUIREMENT.**—The Secretary of Defense shall ensure that competition in Department of Defense contracts is not limited through the use of specifying brand names or brand-name or equivalent descriptions, or proprietary specifications or standards, in solicitations unless a justification for such specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

(b) **REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS IN INFORMATION TECHNOLOGY ACQUISITIONS.**—

(1) **REVIEW REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a review of the policy, guidance, regulations, and training related to specifications included in information technology acquisitions to ensure current policies eliminate the unjustified use of potentially anti-competitive specifications. In conducting the review, the Under Secretary shall examine the use of brand names or proprietary specifications or standards in solicitations for procurements of goods and services, as well as the current acquisition training curriculum related to those areas.

(2) **BRIEFING REQUIRED.**—Not later than 270 days after the date of the enactment of this Act, the Under Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the results of the review required by paragraph (1).

(3) **ADDITIONAL GUIDANCE.**—Not later than one year after the date of the enactment of this Act, the Under Secretary shall revise policies, guidance, and training to incorporate such recommendations as the Under Secretary considers appropriate from the review required by paragraph (1).

**SEC. 889. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

**SEC. 890. STUDY AND REPORT ON CONTRACTS AWARDED TO MINORITY-OWNED AND WOMEN-OWNED BUSINESSES.**

(a) **STUDY.**—The Comptroller General of the United States shall carry out a study on the number and types of contracts for the procurement of goods or services for the Department of Defense awarded to minority-owned and women-owned businesses during fiscal years 2010 through 2015. In conducting the study, the Comptroller General shall identify minority-owned businesses according to the categories identified in the Federal Procurement Data System (described in section 1122(a)(4)(A) of title 41, United States Code).

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study under subsection (a).

**SEC. 891. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.**

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting “except as provided in paragraph (2),” after “this Act,”; and

(2) by amending paragraph (2) to read as follows:

“(2) **EXCEPTION FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.**—Notwithstanding paragraph (1), the Defense Contract Audit Agency may provide audit support on a reimbursable basis for the National Nuclear Security Administration.”.

**SEC. 892. SELECTION OF SERVICE PROVIDERS FOR AUDITING SERVICES AND AUDIT READINESS SERVICES.**

The Department of Defense shall select service providers for auditing services and audit readiness services based on the best value to the Department, as determined by the resource sponsor for an auditing contract, rather than based on the lowest price technically acceptable service provider.

**SEC. 893. AMENDMENTS TO CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.**

(a) **BUSINESS SYSTEM REQUIREMENTS.**—Section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) is amended in subsection (b)(1), by striking “system requirements” and inserting “clear and specific business system requirements that are identified and made publicly available”.

(b) **THIRD-PARTY INDEPENDENT AUDITOR REVIEWS.**—Section 893 of such Act is further amended—

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

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

“(c) **REVIEW BY THIRD-PARTY INDEPENDENT AUDITORS.**—The review process for contractor business systems pursuant to subsection (b)(2) shall—

“(1) if a registered public accounting firm attests to the internal control assessment of a contractor, pursuant to section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), allow the contractor, subject to paragraph (3), to submit certified documentation from such registered public accounting firm that the contractor business systems of the contractor meet the business system requirements referred to in subsection (b)(1) and to thereby eliminate the need for further review of the contractor business systems by the Secretary of Defense;

“(2) limit the review, subject to paragraph (3), of the contractor business systems of a contractor that is not a covered contractor to confirming that the contractor uses the same contractor business system for its Government and commercial work and that the outputs of the contractor business system based on statistical sampling are reasonable; and

“(3) allow a milestone decision authority to require a review of a contractor business system of a contractor that submits documentation pursuant to paragraph (1) or that is not a covered contractor after determining in writing that such a review is necessary to appropriately manage contractual risk.”.

(c) **AMENDMENT TO DEFINITION OF COVERED CONTRACTOR.**—Section 893 of such Act is further amended in subsection (g), as so redesignated, by striking “means a contractor” and all that follows and inserting “means a contractor that has covered contracts with the United States Government accounting for greater than 1 percent of its total gross revenue, except that the term does not include any contractor that is exempt, under section 1502 of title 41, United States Code, or regulations implementing that section, from using full cost accounting standards established in that section.”.

(d) **REPEAL OF OBSOLETE DEADLINE.**—Section 893 of such Act is further amended in subsection (a) by striking “Not later than 270 days after the date of the enactment of this Act, the” and inserting “The”.

**SEC. 894. IMPROVED MANAGEMENT PRACTICES TO REDUCE COST AND IMPROVE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE ORGANIZATIONS.**

(a) **IN GENERAL.**—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate units, subunits, or entities of the Department of Defense, other than Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, that conduct work that is commercial in nature or is not inherently governmental to prioritize efforts to conduct business operations in a manner that uses modern, commercial management practices and principles to reduce the costs and improve the performance of such organizations.

(b) **ADOPTION OF MODERN BUSINESS PRACTICES.**—The Secretary shall ensure that each such unit, subunit, or entity of the Department described in subsection (a) is authorized to adopt and implement best commercial and business management practices to achieve the goals described in such subsection.

(c) **WAIVERS.**—The Secretary shall authorize waivers of Department of Defense, military service, and Defense Agency regulations, as appropriate, to achieve the goals in subsection (a), including in the following areas:

- (1) Financial management.
- (2) Human resources.
- (3) Facility and plant management.
- (4) Acquisition and contracting.
- (5) Partnerships with the private sector.
- (6) Other business and management areas as identified by the Secretary.

(d) **GOALS.**—The Secretary of Defense shall identify savings goals to be achieved through

the implementation of the commercial and business management practices adopted under subsection (b), and establish a schedule for achieving the savings.

(e) **BUDGET ADJUSTMENT.**—The Secretary shall establish policies to adjust organizational budget allocations, at the Secretary's discretion, for purposes of—

(1) using savings derived from implementation of best commercial and business management practices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will result in further savings to the Department of Defense.

(f) **BUDGET BASELINES.**—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.

**SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.**

(a) **WAIVER AUTHORITY.**—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision authority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

(b) **MILESTONE DECISION AUTHORITY DEFINED.**—In this section, the term “milestone decision authority” has the meaning given the term in section 2366a(d)(7) of title 10, United States Code.

**SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.**

Section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2306a note) is amended—

(1) in subsection (a)(2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(2) in subsection (b)—

(A) by inserting “subparagraphs (A), (B), and (C) of section 2313(a)(2) of title 10, United States Code, and” before “subsection (b) of section 2313”; and

(B) in paragraph (2), by inserting “, and if such performance audit is initiated within 18 months of the contract completion” before the period at the end;

(3) by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (b) the following new subsections:

“(c) **TREATMENT AS COMPETITIVE PROCEDURES.**—Use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

“(d) **DISCRETION TO USE NON-CERTIFIED ACCOUNTING SYSTEMS.**—In executing programs under this pilot program, the Secretary of Defense shall establish procedures under which a small business or nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by regulation, unless the head of the agency determines that this is not appropriate based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

“(e) **GUIDANCE AND TRAINING.**—The Secretary of Defense shall ensure that acquisition and auditing officials are provided guidance and training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.”.

**SEC. 897. RAPID PROTOTYPING FUNDS FOR THE MILITARY DEPARTMENTS.**

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note), as amended by section 864 of this Act, is further amended—

(1) in the subsection heading, by striking “FUND” and inserting “FUNDS”;

(2) in paragraph (1), by striking “IN GENERAL.—The Secretary” and inserting the following: “DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—

“(A) **IN GENERAL.**—The Secretary”;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking “this subsection” and inserting “this paragraph”; and

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

“(2) **RAPID PROTOTYPING FUNDS FOR THE MILITARY DEPARTMENTS.**—The Secretary of each military department may establish a military department-specific fund (and, in the case of the Secretary of the Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available to the military department concerned, for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. Each military department-specific fund shall consist of amounts appropriated or credited to the fund.”.

**SEC. 898. ESTABLISHMENT OF PANEL ON DEPARTMENT OF DEFENSE AND ABILITYONE CONTRACTING OVERSIGHT, ACCOUNTABILITY, AND INTEGRITY; DEFENSE ACQUISITION UNIVERSITY TRAINING.**

(a) **ESTABLISHMENT OF PANEL ON DEPARTMENT OF DEFENSE AND ABILITYONE CONTRACTING OVERSIGHT, ACCOUNTABILITY, AND INTEGRITY.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a panel to be known as the “Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity” (hereafter in this section referred to as the “Panel”). The Panel shall be supported by the Defense Acquisition University, established under section 1746 of title 10, United States Code, and the National Defense University, including administrative support.

(2) **COMPOSITION.**—The Panel shall be composed of the following:

(A) A representative of the Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the chairman of the Panel.

(B) A representative from the AbilityOne Commission.

(C) A representative of the service acquisition executive of each military department and Defense Agency (as such terms are defined, respectively, in section 101 of title 10, United States Code).

(D) A representative of the Under Secretary of Defense (Comptroller).

(E) A representative of the Inspector General of the Department of Defense and the AbilityOne Commission.

(F) A representative from each of the Army Audit Agency, the Navy Audit Service, the Air Force Audit Agency, and the Defense Contract Audit Agency.

(G) The President of the Defense Acquisition University, or a designated representative.

(H) One or more subject matter experts on veterans employment from a veterans service organization.

(I) A representative of the Commission Directorate of Veteran Employment of the AbilityOne Commission whose duties include maximizing opportunities to employ significantly disabled veterans in accordance with the regulations of the AbilityOne Commission.

(J) One or more representatives from the Department of Justice who are subject matter experts on compliance with disability rights laws applicable to contracts of the Department of Defense and the AbilityOne Commission.

(K) One or more representatives from the Department of Justice who are subject matter experts on Department of Defense contracts, Federal Prison Industries, and the requirements of the Javits-Wagner-O'Day Act.

(L) Such other representatives as may be determined appropriate by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) **MEETINGS.**—The Panel shall meet as determined necessary by the chairman of the Panel, but not less often than once every three months.

(c) **DUTIES.**—The Panel shall—

(1) review the status of and progress relating to the implementation of the recommendations of report number DODIG-2016-097 of the Inspector General of the Department of Defense titled “DoD Generally Provided Effective Oversight of AbilityOne Contracts”, published on June 17, 2016;

(2) recommend actions the Department of Defense and the AbilityOne Commission may take to eliminate waste, fraud, and abuse with respect to contracts of the Department of Defense and the AbilityOne Commission;

(3) recommend actions the Department of Defense and the AbilityOne Commission may take to ensure opportunities for the employment of significantly disabled veterans and the blind and other severely disabled individuals;

(4) recommend changes to law, regulations, and policy that the Panel determines necessary to eliminate vulnerability to waste, fraud, and abuse with respect to the performance of contracts of the Department of Defense;

(5) recommend criteria for veterans with disabilities to be eligible for employment opportunities through the programs of the AbilityOne Commission that considers the definitions of disability used by the Secretary of Veterans Affairs and the AbilityOne Commission;

(6) recommend ways the Department of Defense and the AbilityOne Commission may explore opportunities for competition among qualified nonprofit agencies or central nonprofit agencies and ensure an equitable selection and allocation of work to qualified nonprofit agencies;

(7) recommend changes to business practices, information systems, and training necessary to ensure that—

(A) the AbilityOne Commission complies with regulatory requirements related to the establishment and maintenance of the procurement list established pursuant to section 8503 of title 41, United States Code; and

(B) the Department of Defense complies with the statutory and regulatory requirements for use of such procurement list; and

(8) any other duties determined necessary by the Secretary of Defense.

(d) **CONSULTATION.**—To carry out the duties described in subsection (c), the Panel may consult or contract with other executive agencies and with experts from qualified nonprofit agencies or central nonprofit agencies on—

(1) compliance with disability rights laws applicable to contracts of the Department of Defense and the AbilityOne Commission;

(2) employment of significantly disabled veterans; and

(3) vocational rehabilitation.

(e) **AUTHORITY.**—To carry out the duties described in subsection (c), the Panel may request documentation or other information needed from the AbilityOne Commission, central nonprofit agencies, and qualified nonprofit agencies.

(f) **PANEL RECOMMENDATIONS AND MILESTONE DATES.**—

(1) **MILESTONE DATES FOR IMPLEMENTING RECOMMENDATIONS.**—After consulting with central nonprofit agencies and qualified nonprofit agencies, the Panel shall suggest milestone dates for the implementation of the recommendations made under subsection (c) and shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, qualified nonprofit agencies, and central nonprofit agencies of such dates.

(2) **NOTIFICATION OF IMPLEMENTATION OF RECOMMENDATIONS.**—After the establishment of milestone dates under paragraph (1), the Panel may review the activities, including contracts, of the AbilityOne Commission, the central nonprofit agencies, and the relevant qualified nonprofit agencies to determine if the recommendations made under subsection (c) are being substantially implemented in good faith by the AbilityOne Commission or such agencies. If the Panel determines that the AbilityOne Commission or any such agency is not implementing the recommendations, the Panel shall notify the Secretary of Defense, the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(g) **REMEDIES.**—

(1) **IN GENERAL.**—Upon receiving notification under subsection (f)(2) and subject to the limitation in paragraph (2), the Secretary of Defense may take one of the following actions:

(A) With respect to a notification relating to the AbilityOne Commission, the Secretary may suspend compliance with the requirement to procure a product or service in section 8504 of title 41, United States Code, until the date on which the Secretary notifies Congress, in writing, that the AbilityOne Commission is substantially implementing the recommendations made under subsection (c).

(B) With respect to a notification relating to a qualified nonprofit agency, the Secretary may terminate a contract with such agency that is in existence on the date of receipt of such notification, or elect to not enter into a contract with such agency after such date, until the date on which the AbilityOne Commission certifies to the Secretary that such agency is substantially implementing the recommendations made under subsection (c).

(C) With respect to a notification relating to a central nonprofit agency, the Secretary may include a term in a contract entered into after the date of receipt of such notification with a qualified nonprofit agency that is under such central nonprofit agency that states that such qualified nonprofit agency shall not pay a fee to such central nonprofit agency until the date on which the AbilityOne Commission certifies to the Secretary that such central nonprofit agency is substantially implementing the recommendations made under subsection (c).

(2) **LIMITATION.**—If the Secretary of Defense takes any of the actions described in paragraph (1), the Secretary shall coordinate with the AbilityOne Commission or the relevant central nonprofit agency, as appropriate, to fully implement the recommendations made under subsection (c). On the date on which such recommendations are fully implemented, the Secretary shall notify Congress, in writing, and the

Secretary's authority under paragraph (1) shall terminate.

(h) **PROGRESS REPORTS.**—

(1) **CONSULTATION ON RECOMMENDATIONS.**—Before submitting the progress report required under paragraph (2), the Panel shall consult with the AbilityOne Commission on draft recommendations made pursuant to subsection (c). The Panel shall include any recommendations of the AbilityOne Commission in the progress report submitted under paragraph (2).

(2) **PROGRESS REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Panel shall submit to the Secretary of Defense, the Chairman of the AbilityOne Commission, the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a progress report on the activities of the Panel.

(i) **ANNUAL REPORT.**—

(1) **CONSULTATION ON REPORT.**—Before submitting the annual report required under paragraph (2), the Panel shall consult with the AbilityOne Commission on the contents of the report. The Panel shall include any recommendations of the AbilityOne Commission in the report submitted under paragraph (2).

(2) **REPORT.**—Not later than September 30, 2017, and annually thereafter for the next three years, the Panel shall submit to the Secretary of Defense, the Chairman of the AbilityOne Commission, the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

(A) a summary of findings and recommendations for the year covered by the report;

(B) a summary of the progress of the relevant qualified nonprofit agencies or central nonprofit agencies in implementing recommendations of the previous year's report, if applicable;

(C) an examination of the current structure of the AbilityOne Commission to eliminate waste, fraud, and abuse and to ensure contracting integrity and accountability for any violations of law or regulations;

(D) recommendations for any changes to the acquisition and contracting practices of the Department of Defense and the AbilityOne Commission to improve the delivery of goods and services to the Department of Defense; and

(E) recommendations for administrative safeguards to ensure the Department of Defense and the AbilityOne Commission are in compliance with the requirements of the Javits-Wagner-O'Day Act, Federal civil rights law, and regulations and policy related to the performance of contracts of the Department of Defense with qualified nonprofit agencies and the contracts of the AbilityOne Commission with central nonprofit agencies.

(j) **SUNSET.**—The Panel shall terminate on the date of submission of the last annual report required under subsection (i).

(k) **INAPPLICABILITY OF FACA.**—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel established pursuant to subsection (a).

(l) **DEFENSE ACQUISITION UNIVERSITY TRAINING.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a training program at the Defense Acquisition University established under section 1746 of title 10, United States Code. Such training shall include—

(A) information about—

(i) the mission of the AbilityOne Commission;

(ii) the employment of significantly disabled veterans through contracts from the procurement list maintained by the AbilityOne Commission;

(iii) reasonable accommodations and accessibility requirements for the blind and other severely disabled individuals; and

(iv) Executive orders and other subjects related to the blind and other severely disabled individuals, as determined by the Secretary of Defense; and

(B) procurement, acquisition, program management, and other training specific to procuring goods and services for the Department of Defense pursuant to the Javits-Wagner-O'Day Act.

(2) **ACQUISITION WORKFORCE ASSIGNMENT.**—Members of the acquisition workforce (as defined in section 101 of title 10, United States Code) who have participated in the training described in paragraph (1) are eligible for a detail to the AbilityOne Commission.

(3) **ABILITYONE COMMISSION ASSIGNMENT.**—Career employees of the AbilityOne Commission may participate in the training program described in paragraph (1) on a non-reimbursable basis for up to three years and on a non-reimbursable or reimbursable basis thereafter.

(4) **FUNDING.**—Amounts from the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, are authorized for use for the detail of members of the acquisition workforce to the AbilityOne Commission.

(m) **DEFINITIONS.**—In this section:

(1) The term "AbilityOne Commission" means the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code.

(2) The terms "blind", "qualified nonprofit agency for the blind", "qualified nonprofit agency for other severely disabled", and "severely disabled individual" have the meanings given such terms under section 8501 of such title.

(3) The term "central nonprofit agency" means a central nonprofit agency designated under section 8503(c) of such title.

(4) The term "executive agency" has the meaning given such term in section 133 of such title.

(5) The term "Javits-Wagner-O'Day Act" means chapter 85 of such title.

(6) The term "qualified nonprofit agency" means—

(A) a qualified nonprofit agency for the blind;

or

(B) a qualified nonprofit agency for other severely disabled.

(7) The term "significantly disabled veteran" means a veteran (as defined in section 101 of title 38, United States Code) who is a severely disabled individual.

#### **SEC. 899. COAST GUARD MAJOR ACQUISITION PROGRAMS.**

(a) **FUNCTIONS OF CHIEF ACQUISITION OFFICER.**—Section 56(c) of title 14, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting "; and", and adding at the end the following:

"(10)(A) keeping the Commandant informed of the progress of major acquisition programs (as that term is defined in section 581);

"(B) informing the Commandant on a continuing basis of any developments on such programs that may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—

"(i) significant cost growth or schedule slippage; and

"(ii) requirements creep (as that term is defined in section 2547(c)(1) of title 10); and

"(C) ensuring that the views of the Commandant regarding such programs on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process."

(b) **CUSTOMER SERVICE MISSION OF DIRECTORATE.**—

(1) **IN GENERAL.**—Chapter 15 of title 14, United States Code, is amended—

(A) in section 561(b)—

(i) in paragraph (1), by striking “; and” and inserting a semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(3) to meet the needs of customers of major acquisition programs in the most cost-effective manner practicable.”;

(B) in section 562, by repealing subsection (b) and redesignating subsections (c), (d), (f), and (g) as subsections (b), (c), (d), and (e), respectively;

(C) in section 563, by striking “Not later than 180 days after the date of enactment of the Coast Guard Authorization Act of 2010, the Commandant shall commence implementation of” and inserting “The Commandant shall maintain”;

(D) by adding at the end of section 564 the following:

“(c) ACQUISITION OF UNMANNED AERIAL SYSTEMS.—

“(1) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of the Offshore Patrol Cutter, the Commandant—

“(A) may not award a contract for design of an unmanned aerial system for use by the Coast Guard; and

“(B) may acquire an unmanned aerial system only—

“(i) if such a system has been acquired by, or has been used by, the Department of Defense or the Department of Homeland Security, or a component thereof, before the date on which the Commandant acquires the system; and

“(ii) through an agreement with such a department or component, unless the unmanned aerial system can be obtained at less cost through independent contract action.

“(2) LIMITATIONS ON APPLICATION.—

“(A) SMALL UNMANNED AERIAL SYSTEMS.—The limitations in paragraph (1)(B) do not apply to any small unmanned aerial system that consists of—

“(i) an unmanned aircraft weighing less than 55 pounds on takeoff, including all components and equipment on board or otherwise attached to the aircraft; and

“(ii) associated elements (including communication links and the components that control such aircraft) that are required for the safe and efficient operation of such aircraft.

“(B) PREVIOUSLY FUNDED SYSTEMS.—The limitations in paragraph (1) do not apply to the design or acquisition of an unmanned aerial system for which funds for research, development, test, and evaluation have been received from the Department of Defense or the Department of Homeland Security”;

(E) in subchapter II, by adding at the end the following:

**“§578. Role of Vice Commandant in major acquisition programs**

“The Vice Commandant—

“(1) shall represent the customer of a major acquisition program with regard to trade-offs made among cost, schedule, technical feasibility, and performance with respect to such program; and

“(2) shall advise the Commandant in decisions regarding the balancing of resources against priorities, and associated trade-offs referred to in paragraph (1), on behalf of the customer of a major acquisition program.

**“§579. Extension of major acquisition program contracts**

“(a) IN GENERAL.—Notwithstanding section 564(a)(2) of this title and section 2304 of title 10, and subject to subsections (b) and (c) of this section, the Secretary may acquire additional units procured under a Coast Guard major acquisition program contract, by extension of such contract without competition, if the Director of the Cost Analysis Division of the Department of Homeland Security determines that the costs that would be saved through award of a new con-

tract in accordance with such sections would not exceed the costs of such an award.

“(b) LIMITATION ON NUMBER OF ADDITIONAL UNITS.—The number of additional units acquired under a contract extension under this section may not exceed the number of additional units for which such determination is made.

“(c) DETERMINATION OF COSTS UPON REQUEST.—The Director of the Cost Analysis Division of the Department of Homeland Security shall, at the request of the Secretary, determine for purposes of this section—

“(1) the costs that would be saved through award of a new major acquisition program contract in accordance with section 564(a)(2) for the acquisition of a number of additional units specified by the Secretary; and

“(2) the costs of such award, including the costs that would be incurred due to acquisition schedule delays and asset design changes associated with such award.

“(d) NUMBER OF EXTENSIONS.—A contract may be extended under this section more than once.”; and

(F) in section 581—

(i) by redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively, and by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(ii) by inserting after paragraph (2) the following:

“(3) CUSTOMER OF A MAJOR ACQUISITION PROGRAM.—The term ‘customer of a major acquisition program’ means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program.”; and

(iii) by inserting after paragraph (7), as so redesignated, the following:

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to \$300,000,000.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following:

“578. Role of Vice Commandant in major acquisition programs.

“579. Extension of major acquisition program contracts.”.

(c) REVIEW REQUIRED.—

(1) REQUIREMENT.—The Commandant of the Coast Guard shall conduct a review of—

(A) the authorities provided to the Commandant in chapter 15 of title 14, United States Code, and other relevant statutes and regulations related to Coast Guard acquisitions, including developing recommendations to ensure that the Commandant plays an appropriate role in the development of requirements, acquisition processes, and the associated budget practices;

(B) implementation of the strategy prepared in accordance with section 562(b)(2) of title 14, United States Code, as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

(C) acquisition policies, directives, and regulations of the Coast Guard to ensure such policies, directives, and regulations establish a customer-oriented acquisition system.

(2) REPORT.—Not later than March 1, 2017, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing, at a minimum, the following:

(A) The recommendations developed by the Commandant under paragraph (1) and other results of the review conducted under such paragraph.

(B) The actions the Commandant is taking, if any, within the Commandant’s existing authority to implement such recommendations.

(3) MODIFICATION OF POLICIES, DIRECTIVES, AND REGULATIONS.—Not later than one year

after the date of the enactment of this Act, the Commandant of the Coast Guard shall modify the acquisition policies, directives, and regulations of the Coast Guard as necessary to ensure the development and implementation of a customer-oriented acquisition system, pursuant to the review under paragraph (1)(C).

(d) ANALYSIS OF USING MULTIYEAR CONTRACTING.—

(1) IN GENERAL.—No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of the use of multiyear contracting, including procurement authority provided under section 2306b of title 10, United States Code, and authority similar to that granted to the Navy under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and section 150 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 124 Stat. 3519), to acquire any combination of at least five—

(A) Fast Response Cutters, beginning with hull 43; and

(B) Offshore Patrol Cutters, beginning with hull 5.

(2) CONTENTS.—The analysis under paragraph (1) shall include the costs and benefits of using multiyear contracting, the impact of multiyear contracting on delivery timelines, and whether the acquisitions examined would meet the tests for the use of multiyear procurement authorities.

**SEC. 899A. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF CERTAIN ACTIVITIES.**

(a) IN GENERAL.—Except as provided in subsection (c), in the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATION.—

(1) IN GENERAL.—A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the African region;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security and stability in Africa.

(C) That the product or service is of equivalent quality to a product or service that would have otherwise been acquired without such limitation or preference.

(2) REQUIREMENT FOR EFFECTIVENESS OF ANY PARTICULAR DETERMINATION.—A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United States Code, is not reasonably available to provide the air transportation.

(c) **INAPPLICABILITY OF AUTHORITY TO PROCUREMENT OF ITEMS ON ABILITYONE PROCUREMENT CATALOG.**—The authority under subsection (a) may not be used for the procurement of any good that is contained in the procurement list described in section 8503(a) of title 41, United States Code, if such good can be produced and delivered by a qualified non profit agency for the blind or a nonprofit agency for other severely disabled in a timely fashion to support mission requirements.

(d) **REPORT ON USE OF AUTHORITY.**—Not later than December 31, 2017, the Secretary shall submit to the congressional defense committees a report on the use of the authority in subsection (a). The report shall include, but not be limited to, the following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A list of the countries providing products or services as a result of determinations made pursuant to subsection (b).

(3) A description of the products and services acquired using the authority.

(4) The extent to which the use of the authority has met the one or more of the objectives specified in clause (i), (ii), or (iii) of subsection (b)(1)(B).

(5) Such recommendations for improvements to the authority as the Secretary considers appropriate.

(6) Such other matters as the Secretary considers appropriate.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED ACTIVITIES.**—The term “covered activities” means Department of Defense activities in the African region or a regional neighbor.

(2) **COVERED AFRICAN COUNTRY.**—The term “covered African country” means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) **HOST NATION.**—The term “host nation” means a nation that allows the Armed Forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) **PRODUCT OR SERVICE OF A COVERED AFRICAN COUNTRY.**—The term “product or service of a covered African country” means the following:

(A) A product from a covered African country that is wholly grown, mined, manufactured, or produced in the covered African country.

(B) A service from a covered African country that is performed by a person or entity that—

(i) is properly licensed or registered by appropriate authorities of the covered African country; and

(ii) as determined by the Chief of Mission concerned—

(I) is operating primarily in the covered African country; or

(II) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials, or labor that are primarily grown, mined, manufactured, produced, or sourced from the covered African country.

(f) **CONFORMING AMENDMENT.**—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Organization of the Office of the Secretary of Defense.

Sec. 902. Responsibilities and reporting of the Chief Information Officer of the Department of Defense.

Sec. 903. Maximum number of personnel in the Office of the Secretary of Defense and other Department of Defense headquarters offices.

Sec. 904. Repeal of Financial Management Modernization Executive Committee.

### Subtitle B—Organization and Management of the Department of Defense Generally

Sec. 911. Organizational strategy for the Department of Defense.

Sec. 912. Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense.

Sec. 913. Secretary of Defense delivery unit.

Sec. 914. Performance of civilian functions by military personnel.

Sec. 915. Repeal of requirements relating to efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense.

### Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

Sec. 921. Joint Chiefs of Staff and related combatant command matters.

Sec. 922. Organization of the Department of Defense for management of special operations forces and special operations.

Sec. 923. Establishment of unified combatant command for cyber operations.

Sec. 924. Assigned forces of the combatant commands.

Sec. 925. Modifications to the requirements process.

Sec. 926. Review of combatant command organization.

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

Sec. 931. Qualifications for appointment of the Secretaries of the military departments.

Sec. 932. Enhanced personnel management authorities for the Chief of the National Guard Bureau.

Sec. 933. Reorganization and resignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.

Sec. 934. Redesignation of Assistant Secretary of the Air Force for Acquisition as Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

### Subtitle E—Strategies, Reports, and Related Matters

Sec. 941. National defense strategy.

Sec. 942. Commission on the National Defense Strategy for the United States.

Sec. 943. Reform of the national military strategy.

Sec. 944. Form of annual national security strategy report.

Sec. 945. Modification to independent study of national security strategy formulation process.

### Subtitle F—Other Matters

Sec. 951. Enhanced security programs for Department of Defense personnel and innovation initiatives.

Sec. 952. Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region.

Sec. 953. Modifications to requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 954. Modifications to corrosion report.

### Subtitle A—Office of the Secretary of Defense and Related Matters

#### SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) **UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.**—

(1) **IN GENERAL.**—Effective on February 1, 2018, chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section:

#### “§ 133a. Under Secretary of Defense for Research and Engineering

“(a) **UNDER SECRETARY OF DEFENSE.**—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive technology, science, or engineering background and experience with managing complex or advanced technological programs. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) **DUTIES AND POWERS.**—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—

“(1) serving as the chief technology officer of the Department of Defense with the mission of advancing technology and innovation for the armed forces (and the Department);

“(2) establishing policies on, and supervising, all defense research and engineering, technology development, technology transition, prototyping, experimentation, and developmental testing activities and programs, including the allocation of resources for defense research and engineering, and unifying defense research and engineering efforts across the Department; and

“(3) serving as the principal advisor to the Secretary on all research, engineering, and technology development activities and programs in the Department.

“(c) **PRECEDENCE IN DEPARTMENT OF DEFENSE.**—

“(1) **PRECEDENCE IN MATTERS OF RESPONSIBILITY.**—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

“(2) **PRECEDENCE IN OTHER MATTERS.**—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.”

(2) **SERVICE OF INCUMBENT USD FOR ATL IN POSITION.**—The individual serving as Under Secretary of Defense for Acquisition, Technology, and Logistics under section 133 of title 10, United States Code, as of February 1, 2018, may continue to serve as Under Secretary of Defense for Research and Engineering commencing as of that date, without further appointment under section 133a of such title, as added by paragraph (1).

(b) **UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.**—Effective on February 1, 2018, chapter 4 of title 10, United States Code, is further amended by inserting after section 133a, as added by subsection (a), the following new section:

**“§ 133b. Under Secretary of Defense for Acquisition and Sustainment**

“(a) UNDER SECRETARY OF DEFENSE.—There is an Under Secretary of Defense for Acquisition and Sustainment, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive system development, engineering, production, or management background and experience with managing complex programs. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—

“(1) serving as the chief acquisition and sustainment officer of the Department of Defense with the mission of delivering and sustaining timely, cost-effective capabilities for the armed forces (and the Department);

“(2) establishing policies on, and supervising, all elements of the Department relating to acquisition (including system design, development, and production, and procurement of goods and services) and sustainment (including logistics, maintenance, and materiel readiness);

“(3) establishing policies for access to, and maintenance of, the defense industrial base and materials critical to national security, and policies on contract administration;

“(4) serving as—

“(A) the principal advisor to the Secretary on acquisition and sustainment in the Department;

“(B) the senior procurement executive for the Department for the purposes of section 1702(c) of title 41; and

“(C) the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive;

“(5) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chairman of the Nuclear Weapons Council and the co-chairman of the Council on Oversight of the National Leadership Command, Control, and Communications System;

“(6) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Under Secretary has responsibility, except that the Under Secretary shall exercise supervisory authority over service acquisition programs for which the service acquisition executive is the milestone decision authority; and

“(7) to the extent directed by the Secretary, exercising overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law.

“(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

“(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary of Defense, and the Under Secretary of Defense for Research and Engineering.

“(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, the Under Secretary of Defense for Research and Engineering, and the Secretaries of the military departments.”.

(c) CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Effective on February 1, 2018, there is a Chief Management Officer of the Department of Defense.

(2) APPOINTMENT.—The Chief Management Officer shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Chief Management Officer shall be appointed from among persons who have an extensive management or business background and experience with managing large or complex organizations. A person may not be appointed as Chief Management Officer within seven years after relief from active duty as a commissioned officer of a regular component of an Armed Force

(3) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe, including—

(A) serving as the chief management officer of the Department of Defense with the mission of managing the business operations of the Department;

(B) establishing policies on, and supervising, all business operations of the Department, including business transformation, business planning and processes, performance management, and business information technology management and improvement activities and programs, including the allocation of resources for business operations, and unifying business management efforts across the Department;

(C) serving as the principal advisor to the Secretary on all business operations activities and programs in the Department; and

(D) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Management Officer has responsibility.

(4) CONFORMING AMENDMENTS.—Effective on February 1, 2018, section 132 of title 10, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(d) REPEAL OF PENDING AUTHORITY TO ESTABLISH UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—Subsection (a) of section 901 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed.

(e) REPEAL OF CERTAIN ASD AND DIRECTOR POSITIONS.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9); and

(B) by redesignating paragraph (10) as paragraph (6); and

(2) by striking sections 139b and 139c.

(f) OFFICE OF THE SECRETARY OF DEFENSE.—Effective on February 1, 2018, section 131(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(2) by striking subparagraph (A) and inserting the following new subparagraphs:

“(A) The Under Secretary of Defense for Research and Engineering.

“(B) The Under Secretary of Defense for Acquisition and Sustainment.”.

(g) TABLE OF SECTION AMENDMENTS.—

(1) TABLE OF SECTIONS EFFECTIVE ON ENACTMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the items relating to sections 139b and 139c.

(2) TABLE OF SECTIONS EFFECTIVE ON DELAYED EFFECTIVE DATE.—Effective on February 1, 2018, the table of sections at the beginning of chapter 4 of such title is further amended by striking the item relating to section 133 and inserting the following new items:

“133a. Under Secretary of Defense for Research and Engineering.

“133b. Under Secretary of Defense for Acquisition and Sustainment.”.

(h) EXECUTIVE SCHEDULE LEVEL II.—Effective on February 1, 2018, section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new items:

“Under Secretary of Defense for Research and Engineering.

“Under Secretary of Defense for Acquisition and Sustainment.”.

(i) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a review and identify a recommended organizational and management structure for the Department of Defense that implements the organizational policy guidance expressed in this section and the amendments made by this section.

(2) ELEMENTS.—The review and recommendations shall address, but not be limited to, the following:

(A) The organizational and management structure of the Department including the disposition of leadership positions, subordinate organizations, and defined relationships across such leadership positions and organizations.

(B) The recommended disposition within the Office of the Secretary of Defense of the various Assistant Secretaries of Defense, Deputy Assistant Secretaries of Defense, and Directors affected by the organizational policy guidance.

(C) The specific delineation of roles, responsibilities, and authorities, as directed by the Secretary, for the organizational and management structure covered by subparagraph (A).

(j) REPORTS.—

(1) INTERIM REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees an interim report on the review and recommended organizational and management structure for the Department of Defense as required by subsection (i).

(2) FINAL REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a final report on the review and recommended organizational and management structure, including—

(A) a proposed implementation plan for how the Department would implement its recommendations;

(B) recommendations for revisions to appointments and qualifications, duties and powers, and precedent in the Department;

(C) recommendations for such legislative and administrative action, including conforming and other amendments to law, as the Secretary considers appropriate to implement the plan; and

(D) any other matters that the Secretary considers appropriate.

**SEC. 902. RESPONSIBILITIES AND REPORTING OF THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Section 142(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

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

(3) by adding at the end the following new subparagraphs:

“(E) exercises authority, direction, and control over the Defense Information Systems Agency, or any successor organization;

“(F) has the responsibilities for policy, oversight, guidance, and coordination for all Department of Defense matters related to electromagnetic spectrum, including coordination with other Federal and industry agencies, coordination for classified programs, and in coordination with the Under Secretary for Personnel and Readiness, policies related to spectrum management workforce;

“(G) has the responsibilities for policy, oversight, guidance, and coordination for nuclear command and control systems;

“(H) has the responsibilities for policy, oversight, and guidance for matters related to precision navigation and timing; and

“(I) has the responsibilities for policy, oversight, and guidance for the architecture and programs related to the networking and cyber defense architecture of the Department.”.

(b) **DIRECT REPORTING.**—Section 151(b)(5) of such title is amended by inserting before the period at the end the following: “, who reports directly to the Secretary and Deputy Secretary without intervening authority”.

**SEC. 903. MAXIMUM NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.**

(a) **OFFICE OF THE SECRETARY OF DEFENSE.**—Section 143(b) of title 10, United States Code, is amended by striking “and civilian personnel” and inserting “, civilian, and detailed personnel”.

(b) **JOINT STAFF.**—

(1) **IN GENERAL.**—Section 155 of such title is amended by adding at the end the following new subsection:

“(h) **PERSONNEL LIMITATIONS.**—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 2,069.

“(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

“(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

“(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on December 31, 2019.

(c) **OFFICE OF THE SECRETARY OF THE ARMY.**—Section 3014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(d) **OFFICE OF THE SECRETARY OF THE NAVY.**—Section 5014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

(e) **OFFICE OF THE SECRETARY OF THE AIR FORCE.**—Section 8014(f) of such title is amended—

(1) in paragraph (4), by striking “time of war” and all that follows and inserting “time of war.”; and

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

“(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.”.

**SEC. 904. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.**

(a) **REPEAL.**—Section 185 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

**Subtitle B—Organization and Management of the Department of Defense Generally**

**SEC. 911. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE.**

(a) **ORGANIZATIONAL STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than September 1, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the critical objectives and other organizational outputs for the Department that span multiple functional boundaries and would benefit from the use of cross-functional teams under this section to ensure collaboration and integration across organizations within the Department;

(B) improves the manner in which the Department integrates the expertise and capacities of the functional components of the Department for effective and efficient achievement of such objectives and outputs;

(C) improves the management of relationships and processes involving the Office of the Secretary of Defense, the Joint Staff, the combatant commands, the military departments, and the Defense Agencies with regard to such objectives and outputs;

(D) improves the ability of the Department to work effectively in interagency processes with regard to such objectives and outputs in order to better serve the President; and

(E) achieves an organizational structure that enhances performance with regard to such objectives and outputs.

(2) **ELEMENTS.**—The strategy shall provide for the following:

(A) The appropriate use of cross-functional teams to manage critical objectives and outputs of the Department described in paragraph (1)(A).

(B) The furtherance and advancement of a collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action, and supports cross-functional teaming and integration.

(b) **ACTIONS IN SUPPORT OF STRATEGY.**—

(1) **STUDY.**—The Department of Defense shall conduct a study of the following in order to determine how best to implement effective cross-functional teams in the Department to achieve the strategic objectives of the Secretary of Defense:

(A) Lessons learned, as reflected in academic literature, business and management school case studies, and the work of leading management consultant firms, on the successful and failed application of cross-functional teams in the private sector and government, and on the cultural factors necessary to support effective cross-functional teams.

(B) The historical and current use by the Department of cross-functional working groups, integrated process teams, councils, and committees, and the reasons why such entities have or have not achieved high levels of teamwork or effectiveness.

(2) **CONDUCT OF STUDY.**—The study required by paragraph (1) shall be conducted by an independent organization with widely acknowledged expertise in modern organizational management and teaming selected by the Secretary for purposes of the study.

(3) **SCHEDULE.**—The Secretary shall award any necessary contract for the study required by paragraph (1) pursuant to paragraph (2) by not later than March 15, 2017, and shall provide the results of the study to the congressional defense committees by not later than July 15, 2017.

(c) **CROSS-FUNCTIONAL TEAMS.**—In support of the strategy required by subsection (a):

(1) **IN GENERAL.**—The Secretary of Defense shall establish cross-functional teams to address critical objectives and outputs for such teams as are determined to be appropriate in accordance with the organizational strategy issued under subsection (a), with initial teams established by not later than September 30, 2017.

(2) **PURPOSES.**—The purposes of cross-functional teams established pursuant to this subsection shall be, as determined appropriate by the Secretary—

(A) to provide for effective collaboration and integration across organizational and functional boundaries in the Department of Defense;

(B) to develop, at the direction of the Secretary, recommendations for comprehensive and fully integrated policies, strategies, plans, and resourcing decisions;

(C) to make decisions on cross-functional issues, to the extent authorized by the Secretary and within parameters established by the Secretary; and

(D) to provide oversight for and, as directed by the Secretary, supervise the implementation of approved policies, strategies, plans, and resourcing decisions approved by the Secretary.

(3) **GUIDANCE ON TEAMS.**—Not later than September 30, 2017, the Secretary shall issue guidance—

(A) addressing the role, authorities, reporting relationships, resourcing, manning, training, and operations of cross-functional teams established pursuant to this subsection;

(B) delineating decision-making authority of such teams;

(C) providing that the leaders of functional components of the Department that provide personnel to such teams respect and respond to team needs and activities; and

(D) emphasizing that personnel selected for assignment to such teams shall faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the team concerned.

(4) **PARTICIPANTS.**—In establishing a cross-functional team pursuant to this subsection, the Secretary shall consider personnel from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in all functional areas that the Secretary considers appropriate.

(5) **TEAM PERSONNEL.**—For each cross-functional team established by the Secretary pursuant to this subsection, the Secretary shall—

(A) assign as leader of such team a senior qualified and experienced individual, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade who are recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or by the director of a Defense Agency;

(C) provide the team leader with necessary full time support from team members, and the means to co-locate team members;

(D) ensure that team members and all leaders in functional organizations that are in the supervisory chain for personnel serving on such team receive training in elements of successful cross-functional teams, including teamwork, collaboration, conflict resolution, and appropriately representing the views and expertise of their functional components; and

(E) ensure that the congressional defense committees are provided information on the progress and results of such team upon request.

(6) **TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.**—

(A) **IN GENERAL.**—The Secretary shall ensure that the objectives of each cross-functional team established pursuant to this subsection are clearly established in writing, through a memorandum, statement, charter, or similar document.

(B) **METRICS.**—To improve team performance and accountability, the Secretary shall task each team, as appropriate, to establish a strategy to achieve the objectives specified by the

Secretary, metrics for evaluation of the achievement of such objectives by such team, and the alignment of individual and team goals for the achievement of such objectives by such team.

(C) **DELEGATION OF AUTHORITY.**—The Secretary may delegate to a team any decision-making authority that, and shall delegate such authority as, the Secretary considers appropriate to permit such team to achieve the objectives established by the Secretary.

(7) **REVIEW OF TEAMS.**—Not later than 18 months after the date on which the first cross-functional team is established pursuant to this subsection, the Secretary shall complete an analysis, with support from external experts in organizational and management sciences, of the successes and failures of teams established pursuant to this subsection, and determine how to apply the lessons learned from that analysis.

(8) **REPORT ON ESTABLISHMENT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of cross-functional teams under this subsection, including descriptions from the leaders of teams established prior to the date on which this report is submitted of the manner in which the teams were designed and how they functioned.

(d) **DIRECTIVE ON COLLABORATIVE CULTURE AND BEHAVIOR.**—The guidance issued by the Secretary of Defense pursuant to subsection (c)(3) shall also—

(1) articulate the shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that are required to promote a team-oriented, collaborative, results-driven culture within the Office to support the primary objectives of the Department of Defense;

(2) ensure that collaboration across functional and organizational boundaries is an important factor in the performance review of leaders of cross-functional teams established pursuant to subsection (c), members of teams, and other appropriate leaders of the Department; and

(3) identify key practices that senior leaders of the Department should follow with regard to leadership, organizational practice, collaboration, and the functioning of cross-functional teams, and the types of personnel behavior that senior leaders should encourage and discourage.

(e) **STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(f) **TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY THE SENATE.**—

(1) **IN GENERAL.**—Within three months of the appointment of an individual to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate, the individual shall complete a course of instruction in leadership, modern organizational practice, collaboration, and the operation of teams described in subsection (c).

(2) **WAIVER.**—The President may waive the requirement in paragraph (1) with respect to an individual if the Secretary determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) **COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.**—

(1) **BIANNUAL REPORT ON ASSESSMENTS.**—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the

Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) **ASSESSMENT TEAM.**—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

**SEC. 912. POLICY, ORGANIZATION, AND MANAGEMENT GOALS AND PRIORITIES OF THE SECRETARY OF DEFENSE FOR THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines specified in subsection (b), a report on the policy, organization, and management goals and priorities of the Secretary for the Department of Defense. Each report shall include, current as of the date of such report, an identification of the following:

(1) Policy goals and priorities, including specific and measurable performance and implementation targets.

(2) Organization and management goals and priorities, including specific and measurable performance and implementation targets that address, but are not limited to, the following:

(A) The elimination or consolidation of any unnecessary or redundant functions within the Department.

(B) Force management and shaping, including recommendations for such legislative action as is required to meet force management and shaping goals and priorities.

(C) The layering or reorganization of headquarters organizations across the Department.

(3) Any other goals or priorities for the Department the Secretary considers appropriate.

(b) **DEADLINES.**—The deadlines for the submission of reports under subsection (a) are April 1, 2017, and February 1 of each year thereafter through 2022.

(c) **BRIEFINGS SATISFY LATER REPORTING REQUIREMENTS.**—Any report required under subsection (a) after the initial report may be provided in the form of a briefing.

**SEC. 913. SECRETARY OF DEFENSE DELIVERY UNIT.**

(a) **IN GENERAL.**—The Secretary of Defense serving in that position as of March 1, 2017, may establish within the Office of the Secretary of Defense a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in an effort to improve the implementation of policies and priorities across the Department. The unit may be known as the “delivery unit”.

(b) **COMPOSITION.**—The unit established pursuant to subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organizational architecture, relationship management, or data analytics.

(c) **DUTIES.**—The unit established pursuant to subsection (a) shall have the duties as follows:

(1) To advise the Secretary on improving the implementation and delivery of policies and priorities of the Department, including making recommendations on establishing performance or implementation targets, assisting in the development of delivery plans to achieve targets, and monitoring and measuring progress.

(2) To work across organizations, missions, and functions of the Department in order to identify obstacles to improving the implementation of policies and priorities of the Department, including organization, culture, and incentives, and to recommend options to the Secretary for addressing such obstacles.

(d) **SUNSET.**—The unit established pursuant to subsection (a) shall sunset on January 31, 2021.

**SEC. 914. PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.**

Section 129a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) **PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.**—(1) Functions performed by civilian personnel should not be performed by military personnel except—

“(A) if the Secretary of the military department concerned determines in writing based on mission requirements that the performance of such functions by military personnel, including a permanent conversion of such functions to performance by military personnel, is cost-effective or required by a mission; or

“(B) if the performance of such functions by military personnel is required to address critical staffing needs resulting from a reduction in personnel or budgetary resources by reason of an Act of Congress, in which case such functions may not be performed by military personnel for a period in excess of one year.

“(2) In determining the workforce mix between civilian and military personnel, the Secretary of a military department shall reserve military personnel for the performance of the functions that, in the estimation of the Secretary, are required to be performed by military personnel in order to achieve national defense goals or in order to enable the proper functioning of the military department. In making workforce decisions, the Secretary shall account for the relative budgetary impact of military versus civilian personnel in determining the functions required to be performed by military personnel.”

**SEC. 915. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.**

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

**Subtitle C—Joint Chiefs of Staff and Combatant Command Matters**

**SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.**

(a) **FUNCTIONS OF JOINT CHIEFS OF STAFF.**—

(1) **CONSULTATION BY CHAIRMAN.**—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking “as he considers appropriate” and inserting “as necessary”.

(2) **MODIFICATION OF ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.**—Such section is further amended—

(A) in subsection (b)(2), by striking “subsections (d) and (e)” and inserting “subsection (d)”;

(B) in subsection (d)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(ii) by inserting before paragraph (1), as redesignated by clause (i), the following new paragraph (1):

“(1) After first informing the Secretary of Defense and the Chairman, the members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors, may provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter on the judgment of the military member.”; and

(C) by striking subsection (e).

(b) **TERM AND REAPPOINTMENT OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 152(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “two years, beginning on October 1 of odd-numbered years” and all that follows and inserting “four years,

beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.”; and

(B) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) The President may extend to eight years the combined period of service of an officer as Chairman and Vice Chairman if the President determines that such action is in the national interest. The limitation in this paragraph does not apply in time of war.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2019, and shall apply to individuals appointed as Chairman of the Joint Chiefs of Staff on or after that date.

(c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The text of section 153 of title 10, United States Code, is amended to read as follows:

“Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following

“(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary in providing for the strategic direction of the armed forces.

“(2) STRATEGIC AND CONTINGENCY PLANNING.—In matters relating to strategic and contingency planning—

“(A) developing strategic frameworks and preparing strategic plans, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary;

“(B) advising the Secretary on the production of the national defense strategy required by section 113(g) of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(C) preparing military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the President and the Secretary;

“(D) providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary; and

“(E) preparing joint logistic and mobility plans to support national defense strategies and recommending the assignment of responsibilities to the armed forces in accordance with such plans.

“(3) GLOBAL MILITARY INTEGRATION.—In matters relating to global military strategic and operational integration—

“(A) providing advice to the President and the Secretary on ongoing military operations; and

“(B) advising the Secretary on the allocation and transfer of forces among geographic and functional combatant commands, as necessary, to address transregional, multi-domain, and multifunctional threats.

“(4) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness—

“(A) evaluating the overall preparedness of the joint force to perform the responsibilities of that force under national defense strategies and to respond to significant contingencies worldwide;

“(B) assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and developing risk mitigation options;

“(C) advising the Secretary on critical deficiencies and strengths in joint force capabilities (including manpower, logistics, and mobility support) identified during the preparation and review of national defense strategies and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans;

“(D) advising the Secretary on the missions and functions that are likely to require con-

tractor or other external support to meet national security objectives and policy and strategy, and the risks associated with such support; and

“(E) establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

“(5) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development—

“(A) identifying new joint military capabilities based on advances in technology and concepts of operation needed to maintain the technological and operational superiority of the armed forces, and recommending investments and experiments in such capabilities to the Secretary;

“(B) performing military net assessments of the joint capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries;

“(C) advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands;

“(D) advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in national defense strategies and with the priorities established for the requirements of the unified and specified combatant commands;

“(E) advising the Secretary on new and alternative joint military capabilities, and alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D);

“(F) assessing joint military capabilities and identifying, approving, and prioritizing gaps in such capabilities to meet national defense strategies, pursuant to section 181 of this title; and

“(G) recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this paragraph in the most effective and efficient manner.

“(6) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities—

“(A) developing doctrine for the joint employment of the armed forces;

“(B) formulating policies and technical standards, and executing actions, for the joint training of the armed forces;

“(C) formulating policies for coordinating the military education of members of the armed forces;

“(D) formulating policies for concept development and experimentation for the joint employment of the armed forces;

“(E) formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces; and

“(F) advising the Secretary on development of joint command, control, communications, and cybercapability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

“(7) OTHER MATTERS.—In other matters—

“(A) recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command;

“(B) providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

“(C) performing such other duties as may be prescribed by law or by the President or the Secretary.”.

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is amended by striking “for a term of two years” and all that follows and inserting “for a single term of four years, beginning on October 1 of an odd-numbered year, except that the term may not begin in the same year as the term of a Chairman. In time of war, there is no limit on the number of reappointments.”.

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

“(4)(A) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces.

“(B) The President may waive subparagraph (A) if the President determines such action is necessary in the national interest.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2021, and shall apply to individuals appointed as Vice Chairman of the Joint Chiefs of Staff on or after that date.

(e) COMMANDERS OF THE COMBATANT COMMANDS.—Section 164 of title 10, United States Code, is amended—

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

“(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

“(A) To produce plans for the employment of the armed forces to execute national defense strategies and respond to significant military contingencies.

“(B) To take actions, as necessary, to deter conflict.

“(C) To command United States armed forces as directed by the Secretary and approved by the President.”; and

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

“(h) SUPPORT TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The commander of a combatant command shall provide such information to the Chairman of the Joint Chiefs of Staff as may be necessary for the Chairman to perform the duties of the Chairman under section 153 of this title.”.

**SEC. 922. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.**

(a) RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

“(A) Exercise authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

“(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

“(i) Irregular warfare, combating terrorism, and the special operations activities specified by section 167(k) of this title.

“(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide for required special operations forces and capabilities.

“(iii) Such other matters as may be specified by the Secretary and the Under Secretary.”.

(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 901(e)(2) of

this Act, is further amended by inserting after section 139a the following new section:

**“§ 139b. Special Operations Policy and Oversight Council**

“(a) *IN GENERAL.*—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, or the designee of the Assistant Secretary, shall establish and lead a team to be known as the ‘Special Operations Policy and Oversight Council’ (in this section referred to as the ‘Council’).

“(b) *PURPOSE.*—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

“(c) *MEMBERSHIP.*—The Council shall include the following:

“(1) The Assistant Secretary, who shall act as leader of the Council.

“(2) Appropriate senior representatives of each of the following:

“(A) The Under Secretary of Defense for Research and Engineering.

“(B) The Under Secretary of Defense for Management and Support.

“(C) The Under Secretary of Defense (Comptroller).

“(D) The Under Secretary of Defense for Personnel and Readiness.

“(E) The Under Secretary of Defense for Intelligence.

“(F) The General Counsel of the Department of Defense.

“(G) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

“(H) The military departments.

“(I) The Joint Staff.

“(J) The United States Special Operations Command.

“(K) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

“(d) *OPERATION.*—The Council shall operate continuously.”

(2) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(g)(1) of this Act, is further amended by inserting after the item relating to section 139a the following new item:

“139b. Special Operations Policy and Oversight Council.”

(c) *US SPECIAL OPERATIONS COMMAND MATTERS.*—

(1) *AUTHORITY OF COMMANDER.*—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking “The commander” and inserting “Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander”; and

(B) by striking subparagraph (J) and inserting the following new subparagraph (J):

“(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.”

(2) *ADMINISTRATIVE CHAIN OF COMMAND.*—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) *ADMINISTRATIVE CHAIN OF COMMAND.*—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

“(A) from the President to the Secretary of Defense;

“(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

“(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

“(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces.”

**SEC. 923. ESTABLISHMENT OF UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS.**

(a) *ESTABLISHMENT OF CYBER COMMAND.*—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

**“§ 167b. Unified combatant command for cyber operations**

“(a) *ESTABLISHMENT.*—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for cyber operations forces (hereinafter in this section referred to as the ‘cyber command’). The principal function of the command is to prepare cyber operations forces to carry out assigned missions.

“(b) *ASSIGNMENT OF FORCES.*—Unless otherwise directed by the Secretary of Defense, all active and reserve cyber operations forces of the armed forces stationed in the United States shall be assigned to the cyber command.

“(c) *GRADE OF COMMANDER.*—The commander of the cyber command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating that officer’s permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

“(d) *COMMAND OF ACTIVITY OR MISSION.*—(1) Unless otherwise directed by the President or the Secretary of Defense, a cyber operations activity or mission shall be conducted under the command of the commander of the unified combatant command in whose geographic area the activity or mission is to be conducted.

“(2) The commander of the cyber command shall exercise command of a selected cyber operations mission if directed to do so by the President or the Secretary of Defense.

“(e) *AUTHORITY OF COMBATANT COMMANDER.*—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the cyber command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to cyber operations activities.

“(2)(A) Subject to the authority, direction, and control of the Principal Cyber Advisor, the commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to cyber operations activities (whether or not relating to the cyber command):

“(i) Developing strategy, doctrine, and tactics.

“(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for cyber operations forces and for other forces assigned to the cyber command.

“(iii) Exercising authority, direction, and control over the expenditure of funds—

“(I) for forces assigned directly to the cyber command; and

“(II) for cyber operations forces assigned to unified combatant commands other than the cyber command, with respect to all matters covered by section 807 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 114-92; 129 Stat. 886; 10 U.S.C. 2224 note) and, with respect to a matter not covered by such section, to the extent directed by the Secretary of Defense.

“(iv) Training and certification of assigned joint forces.

“(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(vi) Validating requirements.

“(vii) Establishing priorities for requirements.

“(viii) Ensuring the interoperability of equipment and forces.

“(ix) Formulating and submitting requirements for intelligence support.

“(x) Monitoring the promotion of cyber operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of cyber operation forces.

“(B) The authority, direction, and control exercised by the Principal Cyber Advisor for purposes of this section is authority, direction, and control with respect to the administration and support of the cyber command, including readiness and organization of cyber operations forces, cyber operations-peculiar equipment and resources, and civilian personnel.

“(C) Nothing in this section shall be construed as providing the Principal Cyber Advisor authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not cyber-operations peculiar and that are in the purview of the armed forces.

“(3) The commander of the cyber command shall be responsible for—

“(A) ensuring the combat readiness of forces assigned to the cyber command; and

“(B) monitoring the preparedness to carry out assigned missions of cyber forces assigned to unified combatant commands other than the cyber command.

“(C) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the cyber operations command and such other inspector general functions as may be assigned.

“(f) *INTELLIGENCE AND SPECIAL ACTIVITIES.*—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).”

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for cyber operations.”

**SEC. 924. ASSIGNED FORCES OF THE COMBATANT COMMANDS.**

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Except as provided in paragraph (2)” and inserting “As directed by the Secretary of Defense”;

(B) by striking “all forces” and inserting “specified forces”; and

(C) by striking the second sentence;

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

“(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable.”; and

(3) in paragraph (4)—

(A) by striking “operating with the geographic area” and

(B) by striking “assigned to, and”.

**SEC. 925. MODIFICATIONS TO THE REQUIREMENTS PROCESS.**

(a) *IN GENERAL.*—The text of section 181 of title 10, United States Code, is amended to read as follows:

“(a) *IN GENERAL.*—There is a Joint Requirements Oversight Council in the Department of Defense.

“(b) *MISSION.*—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall assist the Chairman of the Joint Chiefs of Staff in—

“(1) assessing joint military capabilities, and identifying, approving, and prioritizing gaps in such capabilities, to meet applicable requirements in the national defense strategy under section 118 of this title;

“(2) reviewing and validating whether a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense fulfills a gap in joint military capabilities;

“(3) developing recommendations, in consultation with the advisors to the Council under subsection (d), for program cost and fielding targets pursuant to section 2448a of this title that—

“(A) require a level of resources that is consistent with the level of priority assigned to the associated capability gap; and

“(B) have an estimated period of time for the delivery of an initial operational capability that is consistent with the urgency of the associated capability gap;

“(4) establishing and approving joint performance requirements that—

“(A) ensure interoperability, where appropriate, between and among joint military capabilities; and

“(B) are necessary, as designated by the Chairman of the Joint Chiefs of Staff, to fulfill capability gaps of more than one armed force, Defense Agency, or other entity of the Department;

“(5) reviewing performance requirements for any existing or proposed capability that the Chairman of the Joint Chiefs of Staff determines should be reviewed by the Council;

“(6) identifying new joint military capabilities based on advances in technology and concepts of operation; and

“(7) identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title.

“(c) *COMPOSITION.*—

“(1) *IN GENERAL.*—The Joint Requirements Oversight Council is composed of the following:

“(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs of Staff for making recommendations about joint military capabilities or joint performance requirements.

“(B) An Army officer in the grade of general.

“(C) A Navy officer in the grade of admiral.

“(D) An Air Force officer in the grade of general.

“(E) A Marine Corps officer in the grade of general.

“(2) *SELECTION OF MEMBERS.*—Members of the Council under subparagraphs (B), (C), (D), and (E) of paragraph (1) shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for selection by the Secretary of the military department concerned.

“(3) *RECOMMENDATIONS.*—In making any recommendation to the Chairman of the Joint Chiefs of Staff as described in paragraph (1)(A), the Vice Chairman of the Joint Chiefs of Staff shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

“(d) *ADVISORS.*—

“(1) *IN GENERAL.*—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

“(A) The Under Secretary of Defense for Policy.

“(B) The Under Secretary of Defense for Intelligence.

“(C) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(D) The Under Secretary of Defense (Comptroller).

“(E) The Director of Cost Assessment and Program Evaluation.

“(F) The Director of Operational Test and Evaluation.

“(G) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

“(2) *INPUT FROM COMBATANT COMMANDS.*—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b).

“(3) *INPUT FROM CHIEFS OF STAFF.*—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to a capability proposed by an armed force, Defense Agency, or other entity of the Department of Defense under subsection (b)(2) and joint performance requirements pursuant to subsection (b)(3).

“(e) *PERFORMANCE REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCES.*—The Chief of Staff of an armed force is responsible for all performance requirements for that armed force and, except for performance requirements specified in subsections (b)(4) and (b)(5), such performance requirements do not need to be validated by the Joint Requirements Oversight Council.

“(f) *ANALYTIC SUPPORT.*—The Secretary of Defense shall ensure that analytical organizations within the Department of Defense, such as the Office of Cost Assessment and Program Evaluation, provide resources and expertise in operations research, systems analysis, and cost estimation to the Joint Requirements Oversight Council to assist the Council in performing the mission in subsection (b).

“(g) *AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.*—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

“(h) *DEFINITIONS.*—In this section:

“(1) The term ‘joint military capabilities’ means the collective capabilities across the joint force, including both joint and force-specific capabilities, that are available to conduct military operations.

“(2) The term ‘performance requirement’ means a performance attribute of a particular

system considered critical or essential to the development of an effective military capability.

“(3) The term ‘joint performance requirement’ means a performance requirement that is critical or essential to ensure interoperability or fulfill a capability gap of more than one armed force, Defense Agency, or other entity of the Department of Defense, or impacts the joint force in other ways such as logistics.

“(4) The term ‘oversight information’ means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.”.

(b) *PROGRAM COST AND FIELD TARGETS.*—The Secretary of Defense shall establish a process to develop program cost and fielding targets pursuant to section 2448a of title 10, United States Code, that—

(1) is co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff;

(2) is supported by—

(A) the Joint Staff, to provide expertise on joint military capabilities, capability gaps, and performance requirements;

(B) the Office of Cost Assessment and Program Evaluation, to provide expertise in resource allocation, operations research, systems analysis, and cost estimation; and

(C) other Department of Defense organizations determined appropriate by the Secretary; and

(3) ensures that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives and procurement quantity objectives.

**SEC. 926. REVIEW OF COMBATANT COMMAND ORGANIZATION.**

(a) *REVIEWS REQUIRED.*—

(1) *IN GENERAL.*—The entities specified in paragraph (2) shall each conduct a review of the organizational structures of the combatant commands, and shall develop recommendations for improving the overall effectiveness of the combatant commands, and addressing threats that span multiple regions, functions, and domains.

(2) *ENTITIES.*—The entities specified in this paragraph are the following:

(A) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff.

(B) An independent entity with appropriate expertise, selected by the Secretary and with which the Secretary shall enter into a contract by not later than 30 days after the date of the enactment of this Act.

(b) *ELEMENTS.*—Each review under subsection (a) shall include an examination of the following:

(1) The evolution of combatant command mission requirements and the ability of combatant commands to satisfy those mission requirements.

(2) The evolution of the organizational structures, compositions, and sizes of the combatant commands, and how such factors may have contributed to combatant command performance in satisfying mission requirements, planning, and maintaining force readiness.

(3) The resources of combatant commands, including the degree to which combatant command force requirements are resourced.

(4) The benefits, drawbacks, and resource implications of eliminating or consolidating combatant commands, or of altering the relationships among combatant commands and their component command organizations or the command and control structures of the combatant commands.

(5) Organizational structures of the combatant commands, including Joint Task Forces or task-organized forces operating below the combatant command level, and the benefits, drawbacks, and resource implications of alternative organizational structures.

(c) *REPORT.*—Not later than September 30, 2017, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of each review required by subsection (a).

**Subtitle D—Organization and Management of Other Department of Defense Offices and Elements**

**SEC. 931. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.**

(a) SECRETARY OF THE ARMY.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

(b) SECRETARY OF THE NAVY.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

(c) SECRETARY OF THE AIR FORCE.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.”

**SEC. 932. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.**

Section 10508 of title 10, United States Code, is amended—

(1) by inserting “(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—” before “The manpower requirements”; and

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

“(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

“(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

“(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

“(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

“(A) The adjutant general of the jurisdiction concerned shall be considered the head of the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

“(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

“(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

“(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

“(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.”

**SEC. 933. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.**

(a) OFFICE OF FAMILY POLICY.—

(1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking “Office of Family Policy” and inserting “Office of Military Family Readiness Policy”; and

(B) by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(2) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E) of section 1781a of such title is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Military Family Readiness Policy”.

(3) CONFORMING AMENDMENT.—Section 131(b)(8)(G) of such title is amended by striking “Director of Family Policy” and inserting “Director of Military Family Readiness Policy”.

(4) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 1781 of such title is amended to read as follows: “§ 1781. Office of Military Family Readiness Policy”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item: “1781. Office of Military Family Readiness Policy.”

(b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking “Office of Community Support for Military Families with Special Needs” and inserting “Office of Special Needs”.

(2) REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.—Such subsection is further amended by striking “Office of the Under Secretary of Defense for Personnel and Readiness” and inserting “Office of Military Family Readiness Policy”.

(3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by striking subsection (c).

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

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(C) in subsection (c), as so redesignated, by striking “subsection (f)” in paragraph (2) and inserting “subsection (e)”;

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking “subsection (d)(3)” and inserting “subsection (c)(3)”; and

(ii) in paragraph (2)(B), by striking “subsection (d)(4)” and inserting “subsection (c)(4)”.

(5) HEADING AND CLERICAL AMENDMENTS.—

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

“§ 1781c. Office of Special Needs”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title

is amended by striking the item relating to section 1781c and inserting the following new item: “1781c. Office of Special Needs.”

**SEC. 934. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.**

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking “Assistant Secretary of the Air Force for Acquisition” and inserting “Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics”; and

(2) by inserting “, technology, and logistics” after “acquisition”.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

**Subtitle E—Strategies, Reports, and Related Matters**

**SEC. 941. NATIONAL DEFENSE STRATEGY.**

(a) NATIONAL DEFENSE STRATEGY.—Subsection (g) of section 113 of title 10, United States Code, is amended to read as follows:

“(g)(1)(A) Except as provided in subparagraph (E), in January every four years, and intermittently otherwise as may be appropriate, the Secretary of Defense shall provide to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department of Defense and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, and to the congressional defense committees, a defense strategy. Each strategy shall be known as the ‘national defense strategy’, and shall support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

“(B) Each national defense strategy shall include the following:

“(i) The priority missions of the Department of Defense, and the assumed force planning scenarios and constructs.

“(ii) The assumed strategic environment, including the most critical and enduring threats to the national security of the United States and its allies posed by state or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

“(iii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize among the threats described in clause (ii) and the missions specified pursuant to clause (i), how the Department will allocate and mitigate the resulting risks, and how the Department will make resource investments.

“(iv) The roles and missions of the armed forces to carry out the missions described in clause (i), and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners.

“(v) The force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support such strategy.

“(vi) The major investments in defense capabilities, force structure, force readiness, force posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in clause (iii).

“(C) The Secretary shall seek the military advice and assistance of the Chairman of the Joint Chiefs of Staff in preparing each national defense strategy required by this subsection.

“(D) Each national defense strategy under this subsection shall be presented to the congressional defense committees in classified form with an unclassified summary.

“(E) In a year following an election for President, which election results in the appointment by the President of a new Secretary of Defense, the Secretary shall present the national defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

“(F) In February of each year in which the Secretary does not submit a new defense strategy as required by paragraph (A), the Secretary shall submit to the congressional defense committees an assessment of the current national defense strategy, including an assessment of the implementation of the strategy by the Department and an assessment whether the strategy requires revision as a result of changes in assumptions, policy, or other factors.

“(2) In implementing a national defense strategy under paragraph (1), the Secretary, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components to guide the development of forces. Such guidance shall include—

“(A) the national security interests and objectives;

“(B) the priority military missions of the Department, including the assumed force planning scenarios and constructs;

“(C) the force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support the strategy;

“(D) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective; and

“(E) a discussion of any changes in the defense strategy and assumptions underpinning the strategy, as required by paragraph (1).

“(3) In implementing the guidance under paragraph (2), the Secretary, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide, every two years or more frequently as needed, to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall include guidance on the employment of forces, including specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

“(4) Not later than February 15 in any calendar year in which any written guidance is required pursuant to paragraph (2) or (3), the Secretary shall provide to the congressional defense committees a detailed classified briefing summarizing such guidance developed pursuant to such paragraphs.”

(b) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 118 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118.

#### SEC. 942. COMMISSION ON THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on the National Defense Strategy for the United States” (in this section referred to as the “Commission”). The purpose of the Commission is to examine and make recommendations with respect to the national defense strategy for the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members appointed as follows:

(A) Three members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(B) Three members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three members appointed by the chair of the Committee on Armed Services of the Senate.

(D) Three members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIR; VICE CHAIR.—

(A) CHAIR.—The chair of the Committee on Armed Services of the House of Representative and the chair of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as chair of the Commission.

(B) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the House of Representative and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the Commission to serve as vice chair of the Commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) DUTIES.—

(1) REVIEW.—The Commission shall review the current national defense strategy of the United States, including the assumptions, missions, force posture and structure, and strategic and military risks associated with the strategy.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Commission shall conduct a comprehensive assessment of the strategic environment, the threats to the United States, the size and shape of the force, the readiness of the force, the posture and capabilities of the force, the allocation of resources, and strategic and military risks in order to provide recommendations on the national defense strategy for the United States.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the Commission.

(e) REPORT.—

(1) FINAL REPORT.—Not later than December 1, 2017, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report on the Commission’s findings, conclusions, and recommendations. The report shall address, but not be limited to, each of the following:

(A) The strategic environment, including threats to the United States and the potential for conflicts arising from such threats, security challenges, and the national security interests of the United States.

(B) The military missions for which the Department of Defense should prepare and the force planning construct.

(C) The roles and missions of the Armed Forces to carry out those missions and the roles and capabilities provided by other United States Government agencies and by allies and international partners.

(D) The force planning construct, size and shape, posture and capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy.

(E) The resources necessary to support the strategy, including budget recommendations.

(F) The risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.

(2) INTERIM BRIEFING.—Not later than June 1, 2017, the Commission shall provide to the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a briefing on the status of its review and assessment, and include a discussion of any interim recommendations.

(3) FORM.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(f) FUNDING.—Of the amounts authorized to be appropriated by to this Act for the Department of Defense, \$5,000,000 is available to fund the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 6 months after the date on which it submits the report required by subsection (e).

#### SEC. 943. REFORM OF THE NATIONAL MILITARY STRATEGY.

(a) IN GENERAL.—Paragraph (1) of section 153(b) of title 10, United States Code, is amended to read as follows:

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this paragraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such National Military Strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of the review, that a modification is needed.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will support the objectives of the United States as articulated in—

“(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

“(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 113 of this title;

“(iv) the most recent policy guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

“(v) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) At a minimum, each National Military Strategy (or update) submitted under this paragraph shall—

“(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

“(ii) assess military ends, ways, and means to support the objectives referred to in subparagraph (C);

“(iii) provide the framework for the assessment by the Chairman of military strategic and operational risks, and for the development of risk mitigation options;

“(iv) develop military options to address threats and opportunities;

“(v) assess joint force capabilities, capacities, and resources; and

“(vi) establish military guidance for the development of the joint force and the total force building on guidance by the President and the Secretary of Defense as referred to in subparagraph (C).”.

(b) MODIFICATION TO RISK ASSESSMENT.—Paragraph (2) of such section is amended—

(1) in the third sentence of subparagraph (A), by striking “of the report” and inserting “in the report”; and

(2) in subparagraph (B)—

(A) by inserting “(or update)” after “National Military Strategy” each place it appears;

(B) in clause (ii), by striking “strategic risks to United States interests” and all that follows and inserting “military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update).”;

(C) in clause (iii), by striking “distinguishing between the concepts of probability and consequences”;

(D) in clause (iv)(II), by striking “most”; and

(E) in clause (v), by striking “or support of—” and all the follows and inserting “of external support, as appropriate.”.

(c) FORM.—Paragraph (3) of such section is amended by adding at the end the following new subparagraph:

“(C) The National Military Strategy (or update) and Risk Assessment submitted under this subsection shall be classified in form, but shall include an unclassified summary.”.

**SEC. 944. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.**

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking “in both a classified form and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”.

**SEC. 945. MODIFICATION TO INDEPENDENT STUDY OF NATIONAL SECURITY STRATEGY FORMULATION PROCESS.**

Section 1064(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 989) is amended—

(1) in subparagraph (D), by inserting “, including Congress,” after “Federal Government”; and

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

“(E) The capabilities and limitations of the Department of Defense workforce responsible for conducting strategic planning, including recommendations for improving the workforce through training, education, and career management.”.

**Subtitle F—Other Matters**

**SEC. 951. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.**

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY PLAN REQUIRED.—The Secretary of Defense shall develop an implementation plan for the Defense Security Service to conduct, after October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department. The Secretary shall submit the implementation plan to the congressional defense committees by not later than August 1, 2017.

(2) PLAN FOR POTENTIAL TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DE-

FENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload that would be assumed by the Department if the plan required by paragraph (1) were implemented.

(3) REPORT.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that would be required by the Defense Security Service to carry out the plan developed under paragraph (1).

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.

(E) Counterintelligence.

(F) User activity monitoring.

(G) Information assurance.

(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ELEMENTS OF SYSTEM.—

(1) IN GENERAL.—In developing a system for the performance of background investigations for personnel in carrying out subsection (a), the Secretary shall—

(A) conduct a review of security clearance business processes and, to the extent practicable, modify such processes to maximize compatibility with the security clearance information technology architecture to minimize the need for customization of the system;

(B) conduct business process mapping of the business processes described in subparagraph (A);

(C) use spiral development and incremental acquisition practices to rapidly deploy the system, including through the use of prototyping and open architecture principles;

(D) establish a process to identify and limit interfaces with legacy systems and to limit customization of any commercial information technology tools used;

(E) establish automated processes for measuring the performance goals of the system;

(F) incorporate capabilities for the continuous monitoring of network security and the mitigation of insider threats to the system;

(G) institute a program to collect and maintain data and metrics on the background investigation process; and

(H) establish a council (to be known as the “Department of Defense Background Investigations Rate Council”) to advise and advocate for rate efficiencies for background clearance investigation rates, and to negotiate rates for background investigation services provided to outsiders entities and agencies when requested.

(2) COMPLETION DATE.—The Secretary shall complete the development and implementation of the system described in paragraph (1) by not later than September 30, 2019.

(c) ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary considers appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) POLICIES AND PROCEDURES.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate

and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(d) UPDATED GUIDANCE AND REVIEW OF POLICIES.—

(1) REVIEW OF APPLICABLE LAWS.—The Secretary shall review laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government, including the investigation timeline metrics established in the Intelligence Reform and Prevention of Terrorism Act of 2004 (Public Law 108–458). The review should also identify recommendations to eliminate duplicative or outdated authorities in current executive orders, regulations and guidance. Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(A) the results of the review; and

(B) recommendations, if any, for consolidating and clarifying laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government.

(2) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(3) IMPLEMENTATION DIRECTIVES.—The Secretary, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(e) WAIVER OF CERTAIN DEADLINES.—For each of fiscal years 2017 through 2019, the Secretary may waive any background investigation timeline specified in the Intelligence Reform and Prevention of Terrorism Act of 2004 if the Secretary submits to the appropriate committees of Congress a written notification on the waiver not later than 30 days before the beginning of the fiscal year concerned.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” has the meaning given that term in section 3001(a)(8) of the Intelligence Reform and Prevention of Terrorism Act of 2004 (50 U.S.C. 3341(a)(8)).

(2) The term “business process mapping” has the meaning given that term in section 2222(i) of title 10, United States Code.

(3) The term “insider threat” means, with respect to the Department, a threat presented by a person who—

(A) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(B) wittingly, or unwittingly, commits—  
(i) an act in contravention of law or policy that resulted in, or might result in, harm through the loss or degradation of government or company information, resources, or capabilities; or  
(ii) a destructive act, which may include physical harm to another in the workplace.

**SEC. 952. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.**

(a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

“(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

“(2) The Secretary may designate military or civilian personnel to perform law enforcement functions and military, civilian, or contract personnel to perform security functions for such buildings, grounds, property, and persons, including, with regard to civilian personnel designated under this section, duty in areas outside the property referred to in paragraph (1) to the extent necessary to protect that property and persons on that property. Subject to the authorization of the Secretary, any such military or civilian personnel so designated may exercise the authorities listed in paragraphs (1) through (5) of section 2672(c) of this title.

“(3) The powers granted under paragraph (2) to military and civilian personnel designated under that paragraph shall be exercised in accordance with guidelines prescribed by the Secretary and approved by the Attorney General.

“(4) Nothing in this subsection shall be construed to—

“(A) preclude or limit the authority of any Defense Criminal Investigative Organization or any other Federal law enforcement agency;

“(B) restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

“(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

“(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

“(E) restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

“(F) restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).”

(b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5) of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting “, whichever is greater” before the period at the end.

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

(1) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

**“§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States”; and**

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

“714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.”

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsections (a), (b)(1), and (d)(1), by striking “Armed Forces” and inserting “armed forces”;

(B) in subsection (c)—  
(i) by striking “section:” and all that follows through “Forces” and inserting “section, the terms ‘qualified members of the armed forces’ and”; and  
(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking “, United States Code”.

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—  
(i) in paragraph (6), by striking “Chiefs of the Services” and inserting “Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman”;  
(ii) by striking paragraph (7); and  
(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking “through (8)” and inserting “through (7)”.

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO “MILITARY MEMBER”.—Subsection (b)(2)(A) of such section is amended—

(A) by striking “, military member,”; and  
(B) by inserting after “of the Department of Defense” the following: “or member of the armed forces”.

**SEC. 953. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.**

(a) LIMITATION OF DEFENSE POW/MIA ACCOUNTING AGENCY TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting “from past conflicts” after “matters relating to missing persons”;

(2) in paragraph (2)—  
(A) by striking subparagraph (A);  
(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and  
(C) by inserting “from past conflicts” after “missing persons” each place it appears;

(3) in paragraph (4)—  
(A) by striking “for personal recovery (including search, rescue, escape, and evasion) and”; and

(B) by inserting “from past conflicts” after “missing persons”; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended by striking “designated Agency Director” in paragraphs (1), (2), and (3) and inserting “Secretary of Defense”.

(c) DEFINITION OF “ACCOUNTED FOR”.—Section 1513(3)(B) of such title is amended by inserting “to the extent practicable” after “are recovered”.

**SEC. 954. MODIFICATIONS TO CORROSION REPORT.**

(a) MODIFICATIONS TO REPORT TO CONGRESS.—Section 2228(e)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after “2009” the following: “and ending with the budget for fiscal year 2022”;

(2) by amending subparagraph (B) to read as follows:

“(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.”;

(3) by amending subparagraph (D) to read as follows:

“(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities.”; and  
(4) in subparagraph (F), by striking “pilot”.

(b) REPORT TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.—Section 2228(e)(2) of such title is amended—

(1) by inserting “(A)” before “Each report”;

(2) by striking “a copy of” and all that follows through the period and inserting “a summary of the most recent report required by subparagraph (B).”;

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

“(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—

“(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and

“(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).”

(c) CONFORMING REPEAL.—Section 903(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2228 note) is amended by striking paragraph (5).

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

Sec. 1001. General transfer authority.

Sec. 1002. Report on auditable financial statements.

Sec. 1003. Increased use of commercial data integration and analysis products for the purpose of preparing financial statement audits.

Sec. 1004. Sense of Congress on sequestration.

Sec. 1005. Requirement to transfer funds from Department of Defense Acquisition Workforce Development Fund to the Treasury.

**Subtitle B—Counterdrug Activities**

Sec. 1011. Codification and modification of authority to provide support for counterdrug activities and activities to counter transnational organized crime of civilian law enforcement agencies.

- Sec. 1012. Secretary of Defense review of curricula and program structures of National Guard counterdrug schools.
- Sec. 1013. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1014. Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.
- Subtitle C—Naval Vessels and Shipyards
- Sec. 1021. Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels.
- Sec. 1022. Warranty requirements for shipbuilding contracts.
- Sec. 1023. National Sea-Based Deterrence Fund.
- Sec. 1024. Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships.
- Subtitle D—Counterterrorism
- Sec. 1031. Frequency of counterterrorism operations briefings.
- Sec. 1032. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1033. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1034. Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1035. Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1036. Congressional notification requirements for sensitive military operations.
- Subtitle E—Miscellaneous Authorities and Limitations
- Sec. 1041. Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo.
- Sec. 1042. Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained.
- Sec. 1043. Modification to support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1044. Protection of certain Federal spectrum operations.
- Sec. 1045. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.
- Sec. 1046. Extension of authority of Secretary of Transportation to issue non-premium aviation insurance.
- Sec. 1047. Evaluation of Navy alternate combination cover and unisex combination cover.
- Sec. 1048. Independent evaluation of Department of Defense excess property program.
- Sec. 1049. Waiver of certain polygraph examination requirements.
- Sec. 1050. Use of Transportation Worker Identification Credential to gain access at Department of Defense installations.
- Sec. 1051. Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions.
- Sec. 1052. Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel.
- Sec. 1053. Prohibition on divestment of Marine Corps Search and Rescue Units.
- Sec. 1054. Support for the Associate Director of the Central Intelligence Agency for Military Affairs.
- Sec. 1055. Notification on the provision of defense sensitive support.
- Sec. 1056. Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex.
- Subtitle F—Studies and Reports
- Sec. 1061. Temporary continuation of certain Department of Defense reporting requirements.
- Sec. 1062. Reports on programs managed under alternative compensatory control measures in the Department of Defense.
- Sec. 1063. Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program.
- Sec. 1064. Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements.
- Sec. 1065. Management and reviews of electromagnetic spectrum.
- Sec. 1066. Requirement for notice and reporting to Committees on Armed Services on certain expenditures of funds by Defense Intelligence Agency.
- Sec. 1067. Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense.
- Sec. 1068. Report on service-provided support and enabling capabilities to United States special operations forces.
- Sec. 1069. Report on citizen security responsibilities in the Northern Triangle of Central America.
- Sec. 1070. Report on counterproliferation activities and programs.
- Sec. 1071. Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.
- Sec. 1072. Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps.
- Sec. 1073. Study on military helicopter noise.
- Sec. 1074. Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility.
- Sec. 1075. Assessment of the joint ground forces of the Armed Forces.
- Subtitle G—Other Matters
- Sec. 1081. Technical and clerical amendments.
- Sec. 1082. Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance.
- Sec. 1083. Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement.
- Sec. 1084. Modification of requirements relating to management of military technicians.
- Sec. 1085. Streamlining of the National Security Council.
- Sec. 1086. National biodefense strategy.
- Sec. 1087. Global Cultural Knowledge Network.
- Sec. 1088. Sense of Congress regarding Connecticut's Submarine Century.
- Sec. 1089. Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000.
- Sec. 1090. Cost of Wars.
- Sec. 1091. Reconnaissance Strike Group matters.
- Sec. 1092. Border security metrics.
- Sec. 1093. Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.
- Sec. 1094. Sense of Congress regarding the OCONUS basing of the KC-46A aircraft.
- Sec. 1095. Designation of a Department of Defense Strategic Arctic Port.
- Sec. 1096. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.
- 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 \$4,500,000,000.
- (3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).
- (b) **LIMITATIONS.**—The authority provided by subsection (a) to transfer authorizations—
- (1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and
- (2) may not be used to provide authority for an item that has been denied authorization by Congress.
- (c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.
- (d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).
- SEC. 1002. REPORT ON AUDITABLE FINANCIAL STATEMENTS.**
- Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law. The report should not include information otherwise available in other reports to Congress.
- SEC. 1003. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.**
- (a) **DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.**—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure or develop, as soon as practicable, technologies or services, including those based on commercially available information technologies and services to improve data collection and analyses to support preparation of auditable financial statements for the Department of Defense.

(b) **USE OF FUNDING AND RESOURCES.**—The Secretary of Defense may use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) **REPORT ON PERFORMANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

**SEC. 1004. SENSE OF CONGRESS ON SEQUESTRATION.**

It is the sense of the Congress that—

(1) the fiscal challenges of the Federal Government are a top priority for Congress, and sequestration—non-strategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the Federal Government;

(2) budget caps imposed by the Budget Control Act of 2011 (Public Law 112–25) impose unacceptable limitations on the budget and increase risk to the national security of the United States; and

(3) the budget caps imposed by the Budget Control Act of 2011 must be modified or eliminated through a bipartisan legislative agreement.

**SEC. 1005. REQUIREMENT TO TRANSFER FUNDS FROM DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO THE TREASURY.**

(a) **TRANSFER REQUIRED.**—During fiscal year 2017, the Secretary of Defense shall transfer, from amounts available in the Department of Defense Acquisition Workforce Development Fund from amounts credited to the Fund pursuant to section 1705(d)(2) of title 10, United States Code, \$475,000,000 to the Secretary of the Treasury for deposit in the general fund of the Treasury.

(b) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

**Subtitle B—Counterdrug Activities**

**SEC. 1011. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTERDRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.**

(a) **CODIFICATION AND MODIFICATION.**—

(1) **IN GENERAL.**—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

**“§384. Support for counterdrug activities and activities to counter transnational organized crime**

“(a) **SUPPORT TO OTHER AGENCIES.**—The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

“(1) in the case of support described in subsection (b), such support is requested—

“(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

“(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

“(2) in the case of support described in subsection (c), such support is requested by an ap-

propriate official of a department or agency of the Federal Government, in coordination with the Secretary of State, that has counterdrug responsibilities or responsibilities for countering transnational organized crime.

“(b) **TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.**—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

“(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

“(A) preserving the potential future utility of such equipment for the Department of Defense; and

“(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

“(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

“(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

“(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

“(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

“(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

“(5) Counterdrug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

“(6) The detection, monitoring, and communication of the movement of—

“(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

“(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

“(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

“(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

“(9) The provision of linguist and intelligence analysis services.

“(10) Aerial and ground reconnaissance.

“(c) **TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.**—

“(1) **PURPOSES.**—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

“(A) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating

counterdrug activities or activities to counter transnational organized crime within or outside the United States.

“(B) The establishment (including small scale construction) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

“(C) The detection, monitoring, and communication of the movement of—

“(i) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

“(ii) surface traffic outside the geographic boundaries of the United States.

“(D) Establishment of command, control, communications, and computer networks for improved integration of United States Federal and foreign law enforcement entities and United States Armed Forces.

“(E) The provision of linguist and intelligence analysis services.

“(F) Aerial and ground reconnaissance.

“(2) **COORDINATION WITH SECRETARY OF STATE.**—In providing support for a purpose described in this subsection, the Secretary shall coordinate with the Secretary of State.

“(d) **CONTRACT AUTHORITY.**—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

“(e) **LIMITED WAIVER OF PROHIBITION.**—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

“(f) **CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.**—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

“(g) **RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.**—

“(1) **ADDITIONAL AUTHORITY.**—The authority provided in this section for the support of counterdrug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

“(2) **EXCEPTION.**—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

“(h) **CONGRESSIONAL NOTIFICATION.**—

“(1) **IN GENERAL.**—Not less than 15 days before providing support for an activity under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

“(A) In the case of support for a purpose described in subsection (c)—

“(i) the country the capacity of which will be built or enabled through the provision of such support;

“(ii) the budget, implementation timeline with milestones, anticipated delivery schedule for support, and completion date for the purpose or project for which support is provided;

“(iii) the source and planned expenditure of funds provided for the project or purpose;

“(iv) a description of the arrangements, if any, for the sustainment of the project or purpose and the source of funds to support

sustainment of the capabilities and performance outcomes achieved using such support, if applicable;

“(v) a description of the objectives for the project or purpose and evaluation framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient;

“(vi) information, including the amount, type, and purpose, about the support provided the country during the three fiscal years preceding the fiscal year for which the support covered by the notice is provided under this section under—

“(I) this section;

“(II) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

“(III) peacekeeping operations;

“(IV) the International Narcotics Control and Law Enforcement program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

“(V) Nonproliferation, Anti-Terrorism, Demining, and Related Programs;

“(VI) counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85); or

“(VII) any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate;

“(vii) an evaluation of the capacity of the recipient country to absorb the support provided; and

“(viii) an evaluation of the manner in which the project or purpose for which the support is provided fits into the theater security cooperation strategy of the applicable geographic combatant command.

“(B) In the case of support for a purpose described in subsection (b) or (c), a description of any small scale construction project for which support is provided.

“(2) COORDINATION WITH SECRETARY OF STATE.—In providing notice under this subsection for a purpose described in subsection (c), the Secretary of Defense shall coordinate with the Secretary of State.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

“(2) The term ‘Indian tribe’ means a Federally recognized Indian tribe.

“(3) The term ‘small scale construction’ means construction at a cost not to exceed \$750,000 for any project.

“(4) The term ‘tribal government’ means the governing body of an Indian tribe, the status of whose land is ‘Indian country’ as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

“(5) The term ‘tribal law enforcement agency’ means the law enforcement agency of a tribal government.

“(6) The term ‘transnational organized crime’ means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.”

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

“384. Support for counterdrug activities and activities to counter transnational organized crime.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

**SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CURRICULA AND PROGRAM STRUCTURES OF NATIONAL GUARD COUNTERDRUG SCHOOLS.**

(a) IN GENERAL.—Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 32 U.S.C. 112 note) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) CURRICULUM REVIEW.—The Secretary of Defense shall review the curriculum and program structure of each school established under this section.”

(b) TECHNICAL AMENDMENT.—Subsection (d)(1) of such section is amended by striking “section 112(b) of that title 32” and inserting “section 112(b) of title 32”.

**SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 962), is further amended—

(1) in subsection (a)(I), by striking “2017” and inserting “2019”; and

(2) in subsection (c), by striking “2017” and inserting “2019”.

**SEC. 1014. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing of military training by the Department of Defense.

(b) FORMAL MECHANISM OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall establish a formal mechanism through which the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing military training by the Department of Defense.

(2) DISSEMINATION TO THE ARMED FORCES.—To the extent practicable, the Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so the Armed Forces may take into account the information needs of civilian law enforcement when planning and executing training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—To the maximum extent practicable, the Secretary of Defense shall ensure that the planning and execution of training described in paragraph (2) is coordinated with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly formulate guidance to ensure that the information relevant to civilian law enforcement matters

that is collected by the Armed Forces during the normal course of military training or operations in proximity to the international borders of the United States is provided promptly to relevant officials in accordance with section 371 of title 10, United States Code.

(d) ANNUAL REPORTS.—

(1) DEPARTMENT OF DEFENSE REPORT.—

(A) IN GENERAL.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on any assistance provided by the Department of Defense to the border security mission of the Department of Homeland Security at the international borders of the United States during the fiscal year preceding the fiscal year during which the report is submitted.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include each of the following:

(i) A description of the military training and operational activities of each military component leveraged, pursuant to section 371 of title 10, United States Code, to support the border security mission of the Department of Homeland Security at the southern border of the United States.

(ii) For each activity described in clause (i), each of the following, identified by component:

(I) The Department of Homeland Security information need that was supported.

(II) The military training or operational activity leveraged to provide support.

(III) The duration of the support.

(IV) The cost of the support.

(iii) A description of any Department of Defense activities provided in response to a request for assistance from the Department of Homeland Security.

(iv) For each activity described in clause (iii)—

(I) The stated rationale of the Department of Homeland Security for requesting assistance from the Department of Defense.

(II) The capability provided by the Department of Defense.

(III) The duration of the assistance provided by the capability.

(IV) The statutory authority under which the assistance was provided.

(V) The cost of the assistance provided.

(VI) Whether the Department of Defense was reimbursed by the Department of Homeland Security for the assistance provided.

(VII) In the case of assistance for which the Department of Defense was not reimbursed, the justification for non-reimbursement.

(v) A description of any Department of Defense excess property provided to U. S. Customs and Border Protection.

(vi) The status of the implementation of this section.

(vii) A description of any other activity the Secretary of Defense determines relevant.

(2) DEPARTMENT OF HOMELAND SECURITY REPORT.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit to the congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) any activities of the Department of Homeland Security to reduce, mitigate, or eliminate the demand for Department of Defense support at the international borders of the United States; and

(B) the status of implementation of this section.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) or (2) shall terminate on January 31, 2020.

**Subtitle C—Naval Vessels and Shipyards****SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RESPECT TO OVERHAUL, REPAIR, OR MAINTENANCE OF NAVAL VESSELS.**

Section 7299a(c)(4) of title 10, United States Code, is amended by striking “six months” and inserting “10 months”.

**SEC. 1022. WARRANTY REQUIREMENTS FOR SHIP-BUILDING CONTRACTS.****(a) WARRANTY REQUIREMENTS.—**

(1) **IN GENERAL.**—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

**“§7318. Warranty requirements for shipbuilding contracts**

“(a) **REQUIREMENT.**—A contracting officer for a contract for new construction for which funds are expended from the Shipbuilding and Conversion, Navy account shall require, as a condition of the contract, that the work performed under the contract is covered by a warranty for a period of at least one year.

“(b) **WAIVER.**—If the contracting officer for a contract covered by the requirement under subsection (a) determines that a limited liability of warranted work is in the best interest of the Government, the contracting officer may agree to limit the liability of the work performed under the contract to a level that the contracting officer determines is sufficient to protect the interests of the Government and in keeping with historical levels of warranted work on similar vessels.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “7318. Warranty requirements for shipbuilding contracts.”.

(b) **EFFECTIVE DATE.**—Section 7318 of title 10, United States Code, as added by subsection (a), shall take effect on the later of the following dates:

- (1) The date of the enactment of the National Defense Authorization for Fiscal Year 2018.
- (2) September 30, 2017.

**SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COMMON MISSILE COMPARTMENT.**—Section 2218a of title 10, United States Code, is amended—

- (1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and
- (2) by inserting after subsection (h) the following new subsection (i):

“(i) **AUTHORITY FOR MULTIYEAR PROCUREMENT OF CRITICAL COMPONENTS TO SUPPORT CONTINUOUS PRODUCTION OF THE COMMON MISSILE COMPARTMENT.**—(1) To implement the continuous production of the common missile compartment, the Secretary of the Navy may use funds deposited in the Fund, in conjunction with funds appropriated for the procurement of other nuclear-powered vessels, to enter into one or more multiyear contracts (including economic ordering quantity contracts), for the procurement of critical contractor-furnished and Government-furnished components for the common missile compartments of national sea-based deterrence vessels. The authority under this subsection extends to the procurement of equivalent critical parts, components, systems, and subsystems common with and required for other nuclear-powered vessels.

“(2) In each annual budget request submitted to Congress, the Secretary shall clearly identify funds requested for the common missile compartment and the individual ships and programs for which such funds are requested.

“(3) Any contract entered into pursuant to paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose and that the total liability to the Government for the termination

of the contract shall be limited to the total amount of funding obligated for the contract as of the date of the termination.”.

(b) **DEFINITION OF NATIONAL SEA-BASED DETERRENCE VESSEL.**—Subsection (k)(2) of this section, as redesignated by subsection (b), is amended—

- (1) by striking “any vessel” and inserting “any submersible vessel constructed or purchased after fiscal year 2016 that is”; and
- (2) by inserting “and” before “that carries”.

**SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA-CLASS CRUISERS OR DOCK LANDING SHIPS.**

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be obligated or expended—

- (1) to retire, prepare to retire, or inactivate a cruiser or dock landing ship; or
- (2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490).

**Subtitle D—Counterterrorism****SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPERATIONS BRIEFINGS.**

(a) **IN GENERAL.**—Subsection (a) of section 485 of title 10, United States Code is amended by striking “quarterly” and inserting “monthly”.

(b) **SECTION HEADING.**—The section heading for such section is amended by striking “Quarterly” and inserting “Monthly”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item: “485. Monthly counterterrorism operations briefings.”.

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

- (1) is not a United States citizen or a member of the Armed Forces of the United States; and
- (2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **IN GENERAL.**—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

**SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

- (1) Libya.
- (2) Somalia.
- (3) Syria.
- (4) Yemen.

**SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 may be used—

- (1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;
- (2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or
- (3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

**SEC. 1036. CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY OPERATIONS.**

(a) **TIMING OF NOTIFICATIONS.**—Subsection (a) of section 130f of title 10, United States Code, is amended in the first sentence, by inserting “no later than 48 hours” before “following such operation”.

(b) **PROCEDURES.**—Subsection (b) of such section is amended—

- (1) In paragraph (1), by adding at the end the following new sentence: “The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes”; and
- (2) by adding at the end the following new paragraph:

“(3) In the event of an unauthorized disclosure of a sensitive military operation covered by this section, the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned. The notification under this paragraph may be verbal or written, but in the event of a verbal notification a written notification shall be provided by not later than 48 hours after the provision of the verbal notification.”.

(c) **BRIEFING REQUIREMENTS.**—Such section is further amended—

- (1) in subsection (a), by striking the second sentence; and
- (2) in subsection (c), by inserting before the period at the end the following: “, including Department of Defense support to such operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)”.

(d) **DEFINITION OF SENSITIVE MILITARY OPERATION.**—Subsection (d) of such section is amended by striking “means” and all that follows and inserting “means the following:”

- “(1) A lethal operation or capture operation—
- “(A) conducted by the armed forces outside a declared theater of active armed conflict; or
- “(B) conducted by a foreign partner in coordination with the armed forces that targets a specific individual or individuals.
- “(2) An operation conducted by the armed forces outside a declared theater of active armed conflict in self-defense or in defense of foreign partners, including during a cooperative operation.”.

(e) **REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.**—Such section is further amended—

(1) by striking subsection (e); and  
(2) by redesignating subsection (f) as subsection (e).

(f) **CONFORMING AMENDMENTS.**—

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

**“§ 130f. Notification requirements for sensitive military operations”.**

(2) **TABLE OF SECTIONS AMENDMENT.**—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and inserting the following new item:

“130f. Notification requirements for sensitive military operations.”.

**Subtitle E—Miscellaneous Authorities and Limitations**

**SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION BY THE DEPARTMENT OF DEFENSE OF NON-DEPARTMENT OF DEFENSE PERSONNEL AND CARGO.**

(a) **TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO.**—Subsection (c) of section 2649 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking “PERSONNEL” and inserting “AND CIVILIAN PERSONNEL AND CARGO”;

(2) by striking “Until January 6, 2016, when” and inserting “When”;

(3) by striking “allied forces or civilians”, and inserting “allied and civilian personnel and cargo”.

(b) **COMMERCIAL INSURANCE.**—Such section is further amended by adding at the end the following new subsection:

“(d) **COMMERCIAL INSURANCE.**—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper’s cargo. Any such contract or arrangement shall provide that—

“(1) any insurance premium is collected by the commercial provider;

“(2) any claim for loss or damage is processed and paid by the commercial provider;

“(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and

“(4) the contract between the commercial provider and the insured shall contain a provision whereby the insured waives any claim against the United States for loss or damage that is within the scope of enumerated risks covered by the insurance product.”.

(c) **CONFORMING CROSS-REFERENCE AMENDMENTS.**—Subsection (b) of such section is amended by striking “this section” both places it appears and inserting “subsection (a)”.

**SEC. 1042. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.**

(a) **CODIFICATION AND REDUCTION.**—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) The Secretary of the Navy shall ensure that—

“(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

“(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

“(B) October 1, 2025;

“(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

“(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.”.

(b) **REPEAL OF SUPERSEDED REQUIREMENT.**—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

**SEC. 1043. MODIFICATION TO SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE.**

Section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (d)—

(A) by striking “report on the use of the authority under subsection (a)” and all that follows and inserting “report that includes—”

“(A) a description of—

“(i) each use of the authority under subsection (a); and

“(ii) for each such use, the specific material made available and to whom it was made available; and

“(B) a description of—

“(i) any instance in which the Department of Defense made available to a State, a unit of local government, or a private entity any biological select agent or toxin for the development or testing of any biodefense technology; and

“(ii) for each such instance, the specific material made available and to whom it was made available.”; and

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

“(3) The requirement to submit a report under paragraph (1) shall terminate on January 31, 2021.”; and

(2) in subsection (e), by striking “this section” and all that follows and inserting “this section:”

“(1) The terms ‘precursor’, ‘protective purposes’, and ‘toxic chemical’ have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

“(2) The term ‘biological select agent or toxin’ means any agent or toxin identified under any of the following:

“(A) Section 331.3 of title 7, Code of Federal Regulations.

“(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

“(C) Section 73.3 or section 73.4 of title 42, Code of Federal Regulations.”.

**SEC. 1044. PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.**

Section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 47 U.S.C. 921 note) is amended by adding at the end the following:

“(d) **PROTECTION OF CERTAIN FEDERAL SPECTRUM OPERATIONS.**—If the report required by subsection (a) determines that reallocation and auction of the spectrum described in the report would harm national security by impacting existing terrestrial Federal spectrum operations at the Nevada Test and Training Range, the Commission, in coordination with the Secretary shall, prior to the auction described in subsection (c)(1)(B), establish rules for licensees in such spectrum sufficient to mitigate harmful interference to such operations.

“(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect any requirement under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (47 U.S.C. 921 note; Public Law 106–65).”.

**SEC. 1045. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.**

(a) **PROHIBITIONS.**—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) **WAIVER.**—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational 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.

**SEC. 1046. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NON-PREMIUM AVIATION INSURANCE.**

Section 44310(b) of title 49, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2019”.

**SEC. 1047. EVALUATION OF NAVY ALTERNATE COMBINATION COVER AND UNISEX COMBINATION COVER.**

(a) **MANDATORY POSSESSION OR WEAR DATE.**—The Secretary of the Navy shall change the mandatory possession or wear date of the alternate combination cover or the unisex combination cover from October 31, 2016, to October 31, 2018.

(b) **EVALUATION AND REPORT.**—Not later than February 1, 2017, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation of the Navy female service dress uniforms based on surveying a representative group of female officer and enlisted service members. Such evaluation shall include each of the following:

(1) An identification of the operational need addressed by the alternate combination cover or the unisex combination cover.

(2) An assessment of the individual cost of service dress uniform items to members of the Armed Forces as a percentage of their monthly pay.

(3) The composition of each uniform item’s wear test group.

(4) An identification of the costs to the Navy and to individual members of the Armed Forces for uniform changes identified in the Navy administrative message 236/15 dated October 9, 2015.

(5) The opinions of a representative group of female officer and enlisted service members of the Navy active and reserve components.

(6) Any other rationale the Secretary determines appropriate.

**SEC. 1048. INDEPENDENT EVALUATION OF DEPARTMENT OF DEFENSE EXCESS PROPERTY PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit such evaluation to the congressional defense committees

(b) **ELEMENTS OF EVALUATION.**—The evaluation required under paragraph (1) shall include each of the following:

(1) A review of the current listing of “authorized”, “controlled”, and “prohibited” items as defined by Executive Order 13688 and by Department of Defense policy, guidance, and instruction, as well as why each item is currently assigned to each category.

(2) A review of the preferences and any associated prioritization provided to Federal, State, and local law enforcement agency requests for excess equipment to be used in border security, counterdrug, and counterterrorism activities, pursuant to section 2576a(a)(1)(A) of title 10 United States Code, including the overall numbers and percentages of equipment provided and used under these preferential categories.

(3) Whether the Department of Defense has bought a type of equipment and declared as excess the same type of equipment during the same year, and if so, how much such equipment.

(4) The type of information being collected by State coordinators and the Defense Logistics Agency when a request for equipment is made, and whether or not that information is sufficient to demonstrate a need for the equipment requested by the law enforcement agency making the request.

(5) The extent to which State coordinators and the Defense Logistics Agency deny requests for equipment and the reasons for such denials.

(6) The extent to which law enforcement agencies have been suspended from participating in the program and the reasons for such suspensions.

(7) Any other matters the Secretary determines appropriate.

**SEC. 1049. WAIVER OF CERTAIN POLYGRAPH EXAMINATION REQUIREMENTS.**

The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, may waive the polygraph examination requirement under section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111-376) for any applicant who—

(1) the Commissioner determines is suitable for employment;

(2) holds a current, active Top Secret clearance and is able to access sensitive compartmented information;

(3) has a current single scope background investigation;

(4) was not granted any waivers to obtain the clearance; and

(5) is a veteran (as such term is defined in section 2108 or 2109a of title 5, United States Code).

**SEC. 1050. USE OF TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL TO GAIN ACCESS AT DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) ACCESS TO INSTALLATIONS FOR CREDENTIALLED TRANSPORTATION WORKERS.—During the period that the Secretary is developing and fielding physical access standards, capabilities, processes, and electronic access control systems, the Secretary shall, to the maximum extent practicable, ensure that the Transportation Worker Identification Credential (TWIC) shall be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers.

(b) CREDENTIALLED TRANSPORTATION WORKERS WITH SECRET CLEARANCE.—TWIC-carrying transportation workers who also have a current Secret Level Clearance issued by the Department of Defense shall be considered exempt from further vetting when seeking unescorted access at Department of Defense facilities. Access security personnel shall verify such person's security clearance in a timely manner and provide them with unescorted access to complete their freight service.

**SEC. 1051. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN LANDMINES AND BRIEFING ON DEVELOPMENT OF REPLACEMENT ANTI-PERSONNEL LANDMINE MUNITIONS.**

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be

appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of anti-personnel landmine munitions before the date on which the Secretary of Defense submits the report required by section 1058(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 986).

(b) EXCEPTION FOR SAFETY.—Subsection (a) shall not apply to any anti-personnel landmine munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the current state of research and development into operational alternatives to anti-personnel landmine munitions.

(2) FORM OF BRIEFING.—The briefing required by paragraph (1) may contain classified information.

(d) ANTI-PERSONNEL LANDMINE MUNITIONS DEFINED.—In this section, the term “anti-personnel landmine munitions” includes anti-personnel landmines and sub-munitions as defined by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as determined by the Secretary.

**SEC. 1052. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.**

(a) TRANSITION REQUIRED.—The Secretary of the Air Force shall transition the Air Force to an organizational model for all Air Force remotely piloted aircraft that uses a significant number of enlisted personnel as operators of such aircraft rather than officers only.

(b) DEADLINES.—

(1) REGULAR COMPONENT.—For the regular component of the Air Force, the transition required by subsection (a) shall be completed not later than September 30, 2020.

(2) RESERVE COMPONENTS.—For the Air Force Reserve and Air National Guard, the transition required by subsection (a) shall be completed not later than September 30, 2023.

(c) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(E) The assumptions used to complete the transition.

(F) Risks associated with implementing the transition.

(2) REPORTS ON PROGRESS OF IMPLEMENTATION.—Not later than March 1, 2018, and each March 1 thereafter until the transition required by subsection (a) is completed, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph and in achieving the transition required by subsection (a).

**SEC. 1053. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.**

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

**SEC. 1054. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.**

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—In order to improve the provision of support to, and the receipt of support from, the Central Intelligence Agency, and to improve deconfliction of the activities of the Central Intelligence Agency and the Department of Defense, the Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:

(A) To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to the commanders of the combatant commands and subordinate task forces and commands.

(2) POLICIES.—The Under Secretary shall develop and supervise the implementation of policies to integrate and communicate Department of Defense requirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

**SEC. 1055. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.**

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees, and, when the part of the Department of Defense providing the sensitive support is a member of the intelligence community, the congressional intelligence committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or  
(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, the term “defense sensitive support” means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

**SEC. 1056. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER SEX.**

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the sex of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC.—The prohibition or restriction described in subsection (a) shall, upon motion, apply to any order, ruling, finding, or other determination described in that subsection that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of such motion.

(c) MILITARY COMMISSION DEFINED.—In this section, the term “military commission” means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

**Subtitle F—Studies and Reports**

**SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.**

(a) EXCEPTIONS TO REPORTS TERMINATION PROVISION.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (c) of such section 1080.

(b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provision of law specified in this section that is still required to be submitted to Congress as of December 31, 2021, shall no longer be required to be submitted to Congress after that date.

(2) REPORTS EXEMPTED FROM TERMINATION.—The termination dates specified in paragraph (1) and section 1080 of the National Defense Authorization Act for Fiscal Year 2016 do not apply to the following:

(A) The submission of the reports on the National Military Strategy and Risk Assessment under section 153(b)(3) of title 10, United States Code.

(B) The submission of the future-years defense program (including associated annexes) under section 221 of title 10, United States Code.

(C) The submission of the future-years mission budget for the military programs of the Department of Defense under section 221 of such title.

(D) The submission of audits of contracting compliance by the Inspector General of the Department of Defense under section 1601(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2533a note).

(c) REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:

- (1) Section 113(i).
- (2) Section 117(e).
- (3) 118a(d).
- (4) Section 119(a) and (b).
- (5) Section 127b(f).
- (6) Section 139(h).
- (7) Section 139b(d).
- (8) Sections 153(c).
- (9) Section 171a(e) and (g)(2).
- (10) Section 179(f).
- (11) Section 196(d)(1), (d)(4), and (e)(3).
- (12) Section 223a(a).
- (13) Section 225(c).
- (14) Section 229.
- (15) Section 231.
- (16) Section 231a.
- (17) Section 238.
- (18) Section 341(f) of title 10, United States Code, as amended by section 1246 of this Act.
- (19) Section 401(d).
- (20) Section 407(d).
- (21) Section 481a(c).
- (22) Section 482(a).
- (23) Section 488(c).
- (24) Section 494(b).
- (25) Section 526(j).
- (26) Section 946(c) (Article 146 of the Uniform Code of Military Justice).
- (27) Section 981(c).
- (28) Section 1116(d).
- (29) Section 1566(c)(3).
- (30) Section 1557(e).
- (31) Section 1781a(e).
- (32) Section 1781c(h).
- (33) Section 2011(e).
- (34) Section 2166(i).
- (35) Section 2218(h).
- (36) Section 2228(e).
- (37) Section 2229(d).
- (38) Section 2229a.
- (39) Section 2249c(e).
- (40) Section 2275.
- (41) Section 2276(e).
- (42) Section 2367(d).
- (43) Section 2399(g).
- (44) Section 2445b.
- (45) Section 2464(d).
- (46) Section 2466(d).
- (47) Section 2504.
- (48) Section 2561(c).
- (49) Section 2684a(g).
- (50) Section 2687a.
- (51) Section 2711.
- (52) Sections 2884(b) and (c).
- (53) Section 2911(a) and (b)(3).
- (54) Section 2925.
- (55) Section 2926(c)(4).
- (56) Section 4361(d)(4)(B).
- (57) Section 4721(e).
- (58) Section 6980(d)(4)(B).
- (59) Section 7310(c).
- (60) Section 9361(d)(4)(B).
- (61) Section 10216(c).
- (62) Section 10541.
- (63) Section 10543.

(d) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. “Buck” McKeon National Defense Author-

ization Act for Fiscal Year 2015 (Public Law 113–291):

- (1) Section 546(d) (10 U.S.C. 1561 note).
- (2) Section 1003 (10 U.S.C. 221 note).
- (3) Section 1026(d) (128 Stat. 3490).
- (4) Section 1055 (128 Stat. 3498).
- (5) Section 1204(b) (10 U.S.C. 2249e note).
- (6) Section 1205(e) (128 Stat. 3537).
- (7) Section 1206(e) (10 U.S.C. 2282 note).
- (8) Section 1211 (128 Stat. 3544).
- (9) Section 1225 (128 Stat. 3550).
- (10) Section 1235 (128 Stat. 3558).
- (11) Section 1245 (128 Stat. 3566).
- (12) Section 1253(b) (22 U.S.C. 2151 note).
- (13) Section 1275(b) (128 Stat. 3591).
- (14) Section 1343 (128 Stat. 3605; 50 U.S.C. 3743).
- (15) Section 1650 (128 Stat. 3653).
- (16) Section 1662(c)(2) and (d)(2) (128 Stat. 3657; 10 U.S.C. 2431 note).
- (17) Section 2821(a)(3) (10 U.S.C. 2687 note).

(e) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

- (1) Section 704(e) (10 U.S.C. 1074 note).
- (2) Sections 713(f), (g), and (h) (10 U.S.C. 1071 note).
- (3) Section 904(d)(2) (10 U.S.C. 111 note).
- (4) Section 1205(f)(3) (32 U.S.C. 107 note).

(f) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239):

- (1) Section 524(c)(2) (10 U.S.C. 1222 note).
- (2) Section 904(h)(1) and (2) (10 U.S.C. 133 note).
- (3) Section 1009 (126 Stat. 1906).
- (4) Section 1023 (126 Stat. 1911).
- (5) Section 1052(b)(4) (126 Stat. 1936; 49 U.S.C. 40101 note).

(g) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383):

- (1) Section 123 (10 U.S.C. 167 note).
- (2) Section 1216(c) (124 Stat. 4392).
- (3) Section 1217(i) (22 U.S.C. 7513 note).
- (4) Section 1631(d) (10 U.S.C. 1561 note).

(h) REPORTS REQUIRED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84):

- (1) Section 711(d) (10 U.S.C. 1071 note).
- (2) Section 1003(b) (10 U.S.C. 2222 note).
- (3) Section 1244(d) (22 U.S.C. 1928 note).
- (4) Section 1245 (123 Stat. 2542).
- (5) Section 1806 (10 U.S.C. 948a note).

(i) REPORTS REQUIRED BY OTHER LAWS.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:

- (1) Sections 1412(i) and (j) of the National Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).
- (2) Section 1703 of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523).
- (3) Section 717(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1073 note).
- (4) Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367).

(5) Section 1309(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 113 note).

(6) Section 1237(b)(2) of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note).

(7) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 113 note).

(8) Section 232(h)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note).

(9) Section 366(a)(5) and (c)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note).

(10) Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086).

(11) Section 1208(d) of the National Defense Authorization Act for 2006 (Public Law 109-163; 119 Stat. 3459).

(12) Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 801 note).

(13) Section 122(f)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104).

(14) Section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294).

(15) Section 1017(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 2631 note).

(16) Section 1517(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2443).

(17) Section 911(f)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2271 note).

(18) Section 1034(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 309).

(19) Section 1107(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358).

(20) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393).

(21) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394).

(22) Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note).

(23) Section 533(i) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-417).

(24) Section 1047(d)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2010 (Public Law 110-417; 10 U.S.C. 2366b note).

(25) Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619).

(26) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1641).

(27) Section 103A(b)(3) of the Sikes Act (16 U.S.C. 670c-1(b)(3)).

(28) Section 1511(h) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(h)).

(29) Section 901(f) of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 32 U.S.C. 112 note), as added by section 1008 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

(30) Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5).

(31) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

(32) Section 112(f) of title 32, United States Code.

(33) Section 310b(i)(2) of title 37, United States Code.

(j) CONFORMING AMENDMENT.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) is amended—

(1) by striking “on the date that is two years after the date of the enactment of this Act” and inserting “November 25, 2017”; and

(2) by striking “effective”.

(k) REPORT TO CONGRESS.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report that includes each of the following:

(1) A list of all reports that are required to be submitted to Congress as of the date of the enactment of this Act that will no longer be required to be submitted to Congress as of November 25, 2017.

(2) For each such report, a citation to the provision of law under which the report is or was required to be submitted.

**SEC. 1062. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.**

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

**“§ 119a. Programs managed under alternative compensatory control measures: congressional oversight**

“(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

“(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

“(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

“(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

“(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

“(i) a brief description of the program;

“(ii) a brief discussion of the major milestones established for the program;

“(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

“(iv) the estimated total cost of the program and the estimated cost of the program for—

“(I) the current fiscal year;

“(II) the fiscal year for which that budget is submitted; and

“(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

“(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

“(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

“(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

“(b) ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.—

“(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

“(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

“(B) a justification for such designation.

“(2) ADDITIONAL ELEMENTS.—A report under paragraph (1) with respect to a program shall include—

“(A) the current estimate of the total program cost for the program; and

“(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

“(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term ‘new program being managed under alternative compensatory control measures’ means a program in the Department that has not previously been covered by a report under this subsection.

“(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

“(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

“(2) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

“(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

“(d) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER AACMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

“(e) WAIVER.—

“(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

“(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification

for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

“(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

“(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

“(A) the congressional defense committees are notified of the program; and

“(B) a period of 30 days elapses after such notification is received.

“(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.”

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

“119a. Programs managed under alternative compensatory control measures: congressional oversight.”

**SEC. 1063. MATTERS FOR INCLUSION IN REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID UNDER DEPARTMENT OF DEFENSE REWARDS PROGRAM.**

Section 127b(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “and justification” after “reason”; and

(2) by amending paragraph (3) to read as follows:

“(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.”

**SEC. 1064. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS AND ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.**

(a) ANNUAL REPORTS REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

“§222a. Unfunded priorities of the armed forces and combatant commands: annual report

“(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

“(b) OFFICERS.—The officers specified in this subsection are the following:

“(1) The Chief of Staff of the Army.

“(2) The Chief of Naval Operations.

“(3) The Chief of Staff of the Air Force.

“(4) The Commandant of the Marine Corps.

“(5) The commanders of the combatant commands established under section 161 of this title.

“(c) ELEMENTS.—

“(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

“(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

“(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

“(C) Account information with respect to such priority, including the following (as applicable):

“(i) Line Item Number (LIN) for applicable procurement accounts.

“(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

“(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

“(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

“(d) UNFUNDED PRIORITY DEFINED.—In this section, the term ‘unfunded priority’, in the case of a fiscal year, means a program, activity, or mission requirement that—

“(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

“(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

“(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

“(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

“(B) the program, activity, or mission requirement has emerged since the budget was formulated.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item:

“222a. Unfunded priorities of the armed forces and combatant commands: annual report.”

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113-239; 126 Stat. 1903) is repealed.

(c) SUBMITTAL OF ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—Section 153(c)(1) of title 10, United States Code, is amended by striking “At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31” and inserting “Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31”.

**SEC. 1065. MANAGEMENT AND REVIEWS OF ELECTROMAGNETIC SPECTRUM.**

(a) MANAGEMENT AND REVIEWS.—

(1) IN GENERAL.—Section 488 of title 10, United States Code, is amended to read as follows:

“§488. Management and review of electromagnetic spectrum

“(a) ORGANIZATION.—The Secretary of Defense shall—

“(1) ensure the effective organization and management of the electromagnetic spectrum used by the Department of Defense; and

“(2) establish an enduring review and evaluation process that—

“(A) considers all requirements relating to such spectrum; and

“(B) ensures that all users of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or reallocating of such spectrum, or the relocation of the uses by the Department of such spectrum.

“(b) REPORTS.—(1) From time to time as the Secretary and the Chairman of the Joint Chiefs of Staff determine useful for the effective oversight of the access by the Department to electromagnetic spectrum, but not less frequently than

every two years, the Secretary and the Chairman shall jointly submit to the congressional defense committees a report on national policy plans regarding implications for such access in bands identified for study for potential reallocation, or under consideration for potential reallocation, by the Policy and Plans Steering Group established by the National Telecommunications and Information Administration.

“(2) Each report under paragraph (1) shall address, with respect to the electromagnetic spectrum used by the Department that is covered by the report, the implications to the missions of the Department resulting from sharing, reassigning, or reallocating the spectrum, or relocating the uses by the Department of such spectrum, if the Secretary and the Chairman jointly determine that such sharing, reassigning, reallocating, or relocation—

“(A) would potentially create a loss of essential military capability to the missions of the Department, as determined under feasibility assessments to ensure comparable capability; or

“(B) would not likely be possible within the 10-year period beginning on the date of the report.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 488 and inserting the following new item:

“488. Management and review of electromagnetic spectrum.”

(b) ISSUANCE OF INSTRUCTION OR DIRECTIVE.—The Secretary of Defense shall—

(1) not later than 180 days after the date of the enactment of this Act, issue a Department of Defense Instruction or a Department of Defense Directive to carry out section 488(a) of title 10, United States Code, as amended by subsection (a); and

(2) upon the date of the issuance of the instruction or directive issued under paragraph (1), submit to the congressional defense committees such instruction or directive.

(c) INITIAL REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report described in section 488(b) of title 10, United States Code, as amended by subsection (a), with respect to—

(1) the plan by the National Telecommunications and Information Administration titled “Sixth Interim Progress Report on the Ten-Year Plan and Timetable” issued in June 2016; and

(2) the seventh such interim progress report issued (or to be issued) by the National Telecommunications and Information Administration.

**SEC. 1066. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.**

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting “, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives” after “committees” each place it appears.

**SEC. 1067. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL SELECT AGENT AND TOXIN THEFT, LOSS, OR RELEASE INVOLVING THE DEPARTMENT OF DEFENSE.**

(a) NOTIFICATION REQUIREMENT.—Not later than 15 days after notice of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is provided to the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, as specified by section 331.19 of part 7 of the Code of Federal Regulations, the Secretary of Defense shall provide to the congressional defense committees notice of such theft, loss, or release.

(b) **ELEMENTS.**—Notice of a theft, loss, or release of a biological select agent or toxin under subsection (a) shall include each of the following:

(1) The name of the agent or toxin and any identifying information, including the strain or other relevant characterization information.

(2) An estimate of the quantity of the agent or toxin stolen, lost, or released.

(3) The location or facility from which the theft, loss, or release occurred.

(4) In the case of a release, any hazards posed by the release and the number of individuals potentially exposed to the agent or toxin.

(5) Actions taken to respond to the theft, loss, or release.

**SEC. 1068. REPORT ON SERVICE-PROVIDED SUPPORT AND ENABLING CAPABILITIES TO UNITED STATES SPECIAL OPERATIONS FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a written report on service-common support and enabling capabilities contributed from each of the military services to special operations forces. Such report shall include each of the following:

(1) A definition of the terms “service-common” and “special operations-peculiar”.

(2) A description of the factors and process used by the Department of Defense to determine whether combat support, combat service support, base operating support, and enabling capabilities are service-common or special operations-peculiar.

(3) A detailed accounting of the resources allocated by each military service to provide combat support, combat service support, base operating support, and enabling capabilities for special operations forces.

(4) An identification of any change in the level or type of service-common support and enabling capabilities provided by each of the military services to special operations forces in the current fiscal year when compared to the preceding fiscal year, including the rationale for any such change and any mitigating actions.

(5) An assessment of the specific effects that the budget request for the current fiscal year and any anticipated future manpower and force structure changes are likely to have on the ability of each of the military services to provide service-common support and enabling capabilities to special operations forces.

(6) Any other matters the Secretary determines relevant.

(b) **ANNUAL UPDATES.**—For each of fiscal years 2018 through 2020, at the same time the Secretary of Defense submits to Congress the budget request for such fiscal year, the Secretary shall submit to the congressional defense committees an update to the report required under subsection (a).

(c) **FORM OF REPORT.**—The report required under subsection (a) and each update provided under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1069. REPORT ON CITIZEN SECURITY RESPONSIBILITIES IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on military units that have been assigned to policing or citizen security responsibilities in Guatemala, Honduras, and El Salvador.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include each of the following:

(1) The following information, as of the date of the enactment of this Act, with respect to military units assigned to policing or citizen security responsibilities in each of Guatemala, Honduras, and El Salvador:

(A) The proportion of individuals in each such country’s military who participate in policing or citizen security activities relative to the total number of individuals in that country’s military.

(B) Of the military units assigned to policing or citizen security responsibilities, the types of units conducting police activities.

(C) The role of the Department of Defense and the Department of State in training individuals for purposes of participation in such military units.

(D) The number of individuals who participated in such military units who received training by the Department of Defense, and the types of training they received.

(2) Any other information that the Secretary of Defense or the Secretary of State determines to be necessary to help better understand the relationships of the militaries of Guatemala, Honduras, and El Salvador to public security in such countries.

(3) A description of the plan of the United States to assist the militaries of Guatemala, Honduras, and El Salvador to carry out their responsibilities in a manner that adheres to democratic principles.

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

(d) **PUBLIC AVAILABILITY.**—The unclassified matter of the report required by subsection (a) shall be posted on a publicly available Internet website of the Department of Defense and a publicly available Internet website of the Department of State.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 1070. REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.**

(a) **IN GENERAL.**—Not later than July 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.

(b) **MATTERS INCLUDED.**—The report required under subsection (a) shall include each of the following:

(1) A complete list and assessment of existing and proposed capabilities and technologies for support of United States nonproliferation policy and counterproliferation policy, with regard to—

- (A) interdiction;
- (B) elimination;
- (C) threat reduction cooperation;
- (D) passive defenses;
- (E) security cooperation and partner activities;
- (F) offensive operations;
- (G) active defenses; and
- (H) weapons of mass destruction consequence management.

(2) For the existing and proposed capabilities and technologies identified under paragraph (1), an identification of goals, a description of ongoing efforts, and recommendations for further enhancements.

(3) A complete description of requirements and priorities for the development and deployment of highly effective capabilities and technologies, including identifying areas for capability enhancement and deficiencies in existing capabilities and technologies.

(4) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options for meeting requirements and eliminating deficiencies, including the annual funding requirements and completion dates established for each such option.

(5) An outline of interagency activities and initiatives.

(6) Any other matters the Secretary considers appropriate.

(c) **FORMS OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1071. REPORT ON TESTING AND INTEGRATION OF MINEHUNTING SONAR SYSTEMS TO IMPROVE LITTORAL COMBAT SHIP MINEHUNTING CAPABILITIES.**

(a) **REPORT TO CONGRESS.**—Not later than April 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that contains the findings of an assessment of all operational minehunting Synthetic Aperture Sonar (hereinafter referred to as “SAS”) technologies suitable to meet the requirements for use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(b) **ELEMENTS.**—The report required by subsection (a) shall include—

(1) an explanation of the future acquisition strategy for the minehunting mission package;

(2) specific details regarding the capabilities of all in-production SAS systems available for integration into the Littoral Combat Ship Mine Countermeasures Mission Package;

(3) an assessment of key performance parameters for the Littoral Combat Ship Mine Countermeasures Mission Package with each of the assessed SAS technologies; and

(4) a review of the Department of the Navy’s efforts to evaluate SAS technologies in operation with allied Navies for future use on the Littoral Combat Ship Mine Countermeasures Mission Package.

(c) **SYSTEM TESTING.**—The Secretary of the Navy is encouraged to perform at-sea testing and experimentation of sonar systems in order to provide data in support of the assessment required by subsection (a).

**SEC. 1072. QUARTERLY REPORTS ON PARACHUTE JUMPS CONDUCTED AT FORT BRAGG AND POPE ARMY AIRFIELD AND AIR FORCE SUPPORT FOR SUCH JUMPS.**

For the period beginning on January 31, 2017, and ending on January 31, 2018, the Secretary of the Air Force and the Secretary of the Army shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports on the parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command. Each such report shall include, for the calendar quarter covered by the report—

(1) the total parachute drop requirement, by month;

(2) the total parachute drops requested, by month;

(3) the total parachute drops for which the Secretary of the Air Force entered into a contract, by month;

(4) the total parachute drops executed by non-Air Force entities pursuant to contracts, by month;

(5) the total parachute drops executed by the Air Force, by month;

(6) if the total parachute drop requirement was not fulfilled for the quarter, the reasons why such requirement was not fulfilled and the assessment of the Secretary of the Army of any effects on Army readiness caused by the unfulfilled portion of the requirement; and

(7) any other clarifying information, as appropriate, the Secretaries determine the Committees would need to understand important aspects of the Air Force implementing off-site airlift support for XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command, and the ability of the Air Force to meet the training requirements of the Army and the United States Special Operations Command.

**SEC. 1073. STUDY ON MILITARY HELICOPTER NOISE.**

(a) **IN GENERAL.**—The Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration, shall—

(1) conduct a study on the effects of military helicopter noise on National Capital Region communities and individuals; and

(2) develop recommendations for the reduction of the effects of military helicopter noise on individuals, structures, and property values in the National Capital Region.

(b) FOCUS.—In conducting the study under subsection (a), the Secretary and the Administrator shall focus on air traffic control, airspace design, airspace management, and types of aircraft to address helicopter noise problems and shall take into account the needs of law enforcement, emergency, and military operations.

(c) CONSIDERATION OF VIEWS.—In conducting the study under subsection (a), the Secretary shall consider the views of representatives of—

- (1) members of the Armed Forces;
- (2) law enforcement agencies;
- (3) community stakeholders, including residents and local government officials; and
- (4) organizations with an interest in reducing military helicopter noise.

(d) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) AVAILABILITY TO THE PUBLIC.—The Secretary shall make the report required under paragraph (1) publicly available.

**SEC. 1074. INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.**

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—In fiscal year 2018, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) CONDUCT OF REVIEW.—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

- (A) recognized credentials and expertise in national security and military affairs; and
- (B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) ELEMENTS.—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(F) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands, including an appraisal of the Arctic ambitions of actors in the

Indo-Asia-Pacific region in the context of current and projected capabilities, and recommendations to mitigate the effects of those seams.

(G) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after commencing the review under subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

**SEC. 1075. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.**

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, shall provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

(3) An assessment by each of the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

**Subtitle G—Other Matters**

**SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 130h is amended by striking “subsection (a) and (b)” both places it appears and inserting “subsections (a) and (b)”.

(2) Section 187(a)(2)(C) is amended by striking “Acquisition, Logistics, and Technology” and inserting “Acquisition, Technology, and Logistics”.

(3) Section 196(c)(1)(A)(ii) is amended by striking “section 139(i)” and inserting “section 139(j)”.

(4) Subsection (b)(1)(B) of section 1415 is amended by adding a period at the end of clause (ii).

(5) Section 1705(g)(1) is amended by striking “of of” and inserting “of”.

(6) Section 2222 is amended—

(A) in subsection (d)(1)(B), by inserting “to” before “eliminate”;

(B) in subsection (g)(1)(E), by inserting “the system” before “is in compliance”;

(C) in subsection (i)(5), by striking “PROGRAM” in the heading.

(7) Subsection (d) of section 2431b is amended to read as follows:

“(d) DEFINITIONS.—

“(1) CONCURRENCY.—The term ‘concurrency’ means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

“(2) MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR SYSTEM.—The terms ‘major defense

acquisition program’ and ‘major system’ have the meanings provided in section 2431a of this title.”.

(b) AMENDMENTS RELATED TO ELIMINATION OF TITLE 50 APPENDIX.—

(1) MILITARY SELECTIVE SERVICE ACT CITATION CHANGES.—

(A) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(i) Section 101(d)(6)(B)(v) is amended by striking “(50 U.S.C. App. 460(b)(2))” and inserting “(50 U.S.C. 3809(b)(2))”.

(ii) Section 513(c) is amended—

(I) by striking “(50 U.S.C. App. 451 et seq.)” and inserting “(50 U.S.C. 3801 et seq.)”; and

(II) by inserting “(50 U.S.C. 3806(c)(2)(A))” after “of that Act”.

(iii) Section 523(b)(7) is amended by striking “(50 U.S.C. App. 460(b)(2))” and inserting “(50 U.S.C. 3809(b)(2))”.

(iv) Section 651(a) is amended by striking “(50)” and all that follows through “shall serve” and inserting “(50 U.S.C. 3806(d)(1))”.

(v) Section 671(c)(1) is amended by striking “(50 U.S.C. App. 454(a))” and inserting “(50 U.S.C. 3803(a))”.

(vi) Section 1475(a)(5)(B) is amended by striking “(50 U.S.C. App. 451 et seq.)” and inserting “(50 U.S.C. 3801 et seq.)”.

(vii) Section 12103 is amended—

(I) in subsections (b) and (d), by striking “(50 U.S.C. App. 451 et seq.)” both places it appears and inserting “(50 U.S.C. 3801 et seq.)”; and

(II) in subsection (d), by striking “section 6(c)(2)(A)(ii) and (iii) of such Act” and inserting “clauses (ii) and (iii) of section 6(c)(2)(A) of such Act (50 U.S.C. 3806(c)(2)(A))”.

(viii) Section 12104(a) is amended by striking “(50 U.S.C. App. 451 et seq.)” both places it appears and inserting “(50 U.S.C. 3801 et seq.)”.

(ix) Section 12208(a) is amended by striking “(50 U.S.C. App. 451 et seq.)” both places it appears and inserting “(50 U.S.C. 3801 et seq.)”.

(B) TITLE 37, UNITED STATES CODE.—Section 209(a)(1) of title 37, United States Code, is amended by striking “(50 U.S.C. App. 456(d)(1))” and inserting “(50 U.S.C. 3806(d)(1))”.

(2) SERVICEMEMBERS CIVIL RELIEF ACT CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 987 is amended—

(i) in subsection (e)(2), by inserting “(50 U.S.C. 3901 et seq.)” before the semicolon; and

(ii) in subsection (g), by striking “(50 U.S.C. App. 527)” and inserting “(50 U.S.C. 3937)”.

(B) Section 1408(b)(1)(D) is amended by striking “(50 U.S.C. App. 501 et seq.)” and inserting “(50 U.S.C. 3901 et seq.)”.

(3) EXPORT ADMINISTRATION ACT OF 1979 CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 130(a) is amended by striking “(50 U.S.C. App. 2401–2420)” and inserting “(50 U.S.C. 4601 et seq.)”.

(B) Section 2249a(a)(1) is amended by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”.

(C) Section 2327 is amended—

(i) in subsection (a), by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”; and

(ii) in subsection (b)(2), by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”.

(D) Section 2410i(a) is amended by striking “(50 U.S.C. App. 2402(5)(A))” and inserting “(50 U.S.C. 4602(5)(A))”.

(E) Section 7430(e) is amended by striking “(50 U.S.C. App. 2401 et seq.)” and inserting “(50 U.S.C. 4601 et seq.)”.

(4) DEFENSE PRODUCTION ACT OF 1950 CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 139c is amended—

(i) in subsection (b)—

(I) in paragraph (11), by striking “(50 U.S.C. App. 2171)” and inserting “(50 U.S.C. 4567);” and

(II) in paragraph (12)—

(aa) by striking “(50 U.S.C. App. 2062(b))” and inserting “(50 U.S.C. 4502(b))”; and

(bb) by striking “(50 U.S.C. App. 2061 et seq.)” and inserting “(50 U.S.C. 4501 et seq.)”; and

(ii) in subsection (c), by striking “(50 U.S.C. App. 2170(k))” and inserting “(50 U.S.C. 4565(k))”.

(B) Section 2537(c) is amended by striking “(50 U.S.C. App. 2170(a))” and inserting “(50 U.S.C. 4565(a))”.

(C) Section 9511(6) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”.

(D) Section 9512(e) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”.

(5) **MERCHANT SHIP SALES ACT OF 1946 CITATION CHANGES.**—Section 2218 of title 10, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”; and

(B) in subsection (k)(3)(B), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”.

(c) **NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.**—Effective as of November 25, 2015, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) Section 563(a) is amended by striking “Section 5(c)(5)” and inserting “Section 5(c)(2)”.

(2) Section 804(d)(3) is amended by inserting “within 5 business days after such transfer” before the period at the end of the first sentence.

(3) Section 809(e)(2)(A) is amended by striking “repealed” and inserting “rescinded”.

(4) Section 883(a)(2) is amended by striking “such chapter” and inserting “chapter 131 of such title”.

(5) Section 883 is amended by adding at the end the following new subsection:

“(f) **CONFORMING AMENDMENTS.**—

“(1) Effective on the effective date specified in subsection (a)(1) of section 901 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462; 10 U.S.C. 132a note), section 2222 of title 10, United States Code, is amended—

“(A) by striking ‘Deputy Chief Management Officer of the Department of Defense’ each place it appears in subsections (c)(2), (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B) and inserting ‘Under Secretary of Defense for Business Management and Information’; and

“(B) by striking ‘Deputy Chief Management Officer’ in subsection (f)(1) and inserting ‘Under Secretary of Defense for Business Management and Information’.

“(2) The second paragraph (3) of section 901(k) of such Act (Public Law 113–291; 128 Stat. 3468; 10 U.S.C. 2222 note) is repealed.”

(6) Section 1079(a) is amended to read as follows:

“(a) **ANNUAL REPORT ON PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**—Section 2374a of title 10, United States Code, is amended—

“(1) by striking subsection (f); and

“(2) by redesignating subsection (g) as subsection (f).”

(7) Section 1086(f)(11)(A) is amended by striking “Not later than one year” and inserting “Not later than one year”.

(d) **COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.**—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

**SEC. 1082. INCREASE IN MAXIMUM AMOUNT AVAILABLE FOR EQUIPMENT, SERVICES, AND SUPPLIES PROVIDED FOR HUMANITARIAN DEMINING ASSISTANCE.**

Section 407(c)(3) of title 10, United States Code, is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

**SEC. 1083. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.**

(a) **LIQUIDATION OF UNPAID CREDITS.**—Section 2345 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) Any credits of the United States accrued as a result of the provision of logistic support, supplies, and services under the authority of this subchapter that remain unliquidated more than 18 months after the date of delivery of the logistic support, supplies, or services may, at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be liquidated by offsetting the credits against any amount owed by the Department of Defense, pursuant to a transaction or transactions concluded under the authority of this subchapter, to the government or international organization to which the logistic support, supplies, or services were provided by the United States.

“(2) The amount of any credits offset pursuant to paragraph (1) shall be credited as specified in section 2346 of this title as if it were a receipt of the United States.”

(b) **EFFECTIVE DATE.**—Subsection (c) of section 2345 of title 10, United States Code, as added by subsection (a), shall apply with respect to credits accrued by the United States that—

(1) were accrued prior to, and remain unpaid as of, the date of the enactment of this Act; or

(2) are accrued after the date of the enactment of this Act.

**SEC. 1084. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.**

(a) **CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.**—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) **IN GENERAL.**—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).”

(2) in paragraph (2), by striking “in the report” and all that follows and inserting “by the Army Reserve, the Air Force Reserve, the National Guard Bureau, State adjutants general, and the Secretary of Defense in the course of reviewing all military technician positions for purposes of implementing this section.”; and

(3) in paragraph (3), by striking “may fill” and inserting “shall fill”.

(b) **CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.**—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

“(e) **CONVERSION OF POSITIONS.**—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

“(2) By not later than October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

“(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

“(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.”

**(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.**—

(1) **IN GENERAL.**—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense 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. 1085. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.**

(a) **IN GENERAL.**—Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

**“SEC. 101. NATIONAL SECURITY COUNCIL.**

“(a) **NATIONAL SECURITY COUNCIL.**—There is a council known as the National Security Council (in this section referred to as the ‘Council’).

“(b) **FUNCTIONS.**—Consistent with the direction of the President, the functions of the Council shall be to—

“(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

“(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

“(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

“(c) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and such other officers of the United States Government as the President may designate.

“(2) **ATTENDANCE AND PARTICIPATION IN MEETINGS.**—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

“(d) **PRESIDING OFFICERS.**—At meetings of the Council, the President shall preside or, in the

absence of the President, a member of the Council designated by the President shall preside.

“(e) STAFF.—

“(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

“(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

“(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 200 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving substantially in support or administrative positions.

“(f) SPECIAL ADVISOR TO THE PRESIDENT ON INTERNATIONAL RELIGIOUS FREEDOM.—It is the sense of Congress that there should be within the staff of the Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.”

(b) EFFECTIVE DATE OF LIMITATION ON NUMBER OF PROFESSIONAL STAFF.—The limitation on the number of professional staff of the National Security Council specified in subsection (e)(3) of section 101 of the National Security Act of 1947, as amended by subsection (a) of this section, shall take effect on the date that is 18 months after the date of the enactment of this Act.

#### SEC. 1086. NATIONAL BIODEFENSE STRATEGY.

(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—The Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall jointly develop a national biodefense strategy and associated implementation plan, which shall include a review and assessment of biodefense policies, practices, programs and initiatives. Such Secretaries shall review and, as appropriate, revise the strategy biennially.

(b) ELEMENTS.—The strategy and associated implementation plan required under subsection (a) shall include each of the following:

(1) An inventory and assessment of all existing strategies, plans, policies, laws, and interagency agreements related to biodefense, including prevention, deterrence, preparedness, detection, response, attribution, recovery, and mitigation.

(2) A description of the biological threats, including biological warfare, bioterrorism, naturally occurring infectious diseases, and accidental exposures.

(3) A description of the current programs, efforts, or activities of the United States Government with respect to preventing the acquisition, proliferation, and use of a biological weapon, preventing an accidental or naturally occurring biological outbreak, and mitigating the effects of a biological epidemic.

(4) A description of the roles and responsibilities of the Executive Agencies, including inter-

nal and external coordination procedures, in identifying and sharing information related to, warning of, and protection against, acts of terrorism using biological agents and weapons and accidental or naturally occurring biological outbreaks.

(5) An articulation of related or required interagency capabilities and whole-of-Government activities required to support the national biodefense strategy.

(6) Recommendations for strengthening and improving the current biodefense capabilities, authorities, and command structures of the United States Government.

(7) Recommendations for improving and formalizing interagency coordination and support mechanisms with respect to providing a robust national biodefense.

(8) Any other matters the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture determine necessary.

(c) SUBMITTAL TO CONGRESS.—Not later than 275 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall submit to the appropriate congressional committees the strategy and associated implementation plan required by subsection (a). The strategy and implementation plan shall be submitted in unclassified form, but may include a classified annex.

(d) BRIEFINGS.—Not later than March 1, 2017, and annually thereafter until March 1, 2019, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall provide to the Committee on Armed Services of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Agriculture of the House of Representatives a joint briefing on the strategy developed under subsection (a) and the status of the implementation of such strategy.

(e) GAO REVIEW.—Not later than 180 days after the date of the submittal of the strategy and implementation plan under subsection (c), the Comptroller General of the United States shall conduct a review of the strategy and implementation plan to analyze gaps and resources mapped against the requirements of the National Biodefense Strategy and existing United States biodefense policy documents.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

#### SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.

(a) PROGRAM AUTHORIZED.—The Secretary of the Army shall carry out a program to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

(b) GOALS.—The Global Cultural Knowledge Network shall support the following goals:

(1) Provide socio-cultural analysis support to any unit deployed, or preparing to deploy, to an exercise or operation in the assigned region of responsibility of the unit being supported.

(2) Make recommendations or support policy or doctrine development to increase the social

science expertise of military and civilian personnel of the Department of the Army.

(3) Provide reimbursable support to other military departments or Federal agencies if requested through an operational needs request process.

(c) ELEMENTS OF THE PROGRAM.—The Global Cultural Knowledge Network shall include the following elements:

(1) A center in the continental United States (referred to in this section as a “reach-back center”) to support requests for information, research, and analysis.

(2) Outreach to academic institutions and other Federal agencies involved in social science research to increase the network of resources for the reach-back center.

(3) Training with operational units during annual training exercises or during pre-deployment training.

(4) The training, contracting, and human resources capacity to rapidly respond to contingencies in which social science expertise is requested by operational commanders through an operational needs request process.

(d) DIRECTIVE REQUIRED.—The Secretary of the Army shall issue a directive within one year after the date of the enactment of this Act for the governance of the Global Cultural Knowledge Network, including oversight and process controls for auditing the activities of personnel of the Network, the employment of the Global Cultural Knowledge Network by operational forces, and processes for requesting support by operational Army units and other Department of Defense and Federal entities.

(e) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL CULTURAL KNOWLEDGE NETWORK.—

(1) PROHIBITION.—The Secretary of the Army may not deploy social scientists of the Global Cultural Knowledge Network in a conflict zone.

(2) WAIVER.—The Secretary of the Army may waive the prohibition in paragraph (1) if the Secretary submits, at least 10 days before the deployment, to the Committees on Armed Services of the House of Representatives and the Senate—

(A) notice of the waiver; and

(B) a certification that there is a compelling national security interest for the deployment or there will be a benefit to the safety and welfare of members of the Armed Forces from the deployment.

(3) ELEMENTS OF WAIVER NOTICE.—A waiver notice under this subsection also shall include the following:

(A) The operational unit, or units, requesting support, including the location or locations where the social scientists are to be deployed.

(B) The number of Global Cultural Knowledge Network personnel to be deployed and the anticipated duration of such deployments.

(C) The anticipated resource needs for such deployment.

#### SEC. 1088. SENSE OF CONGRESS REGARDING CONNECTICUT'S SUBMARINE CENTURY.

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

(1) On March 2, 1867, Congress enacted a naval appropriations Act that authorized the Secretary of the Navy to “receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land with not less than one mile of shore front on the Thames River near New London, Connecticut, to be held by the United States for naval purposes”.

(2) The people of Connecticut and the towns and cities in the southeastern region of Connecticut subsequently gifted land to establish a military installation to fulfill the Nation’s need for a naval facility on the Atlantic coast.

(3) On April 11, 1868, the Navy accepted the deed of gift of land from Connecticut to establish a naval yard and storage depot along the eastern shore of the Thames River in Groton, Connecticut.

(4) Between 1868 and 1912, the New London Navy Yard supported a diverse range of missions, including berthing inactive Civil War era

ironclad warships and serving as a coaling station for refueling naval ships traveling in New England waters.

(5) Congress rejected the Navy's proposal to close New London Navy Yard in 1912, following an impassioned effort by Congressman Edwin W. Higgins, who stated that "this action proposed is not only unjust but unreasonable and unsound as a military proposition".

(6) The outbreak of World War I and the enemy use of submarines to sink allied military and civilian ships in the Atlantic sparked a new focus on developing submarine capabilities in the United States.

(7) October 18, 1915, marked the arrival at the New London Navy Yard of the submarines G-1, G-2, and G-4 under the care of the tender USS Ozark and the arrival of submarines E-1, D-1, and D-3 under the care of the tender USS Tonopah. November 1, 1915, marked the arrival of the first ship built as a submarine tender, the USS Fulton (AS-1).

(8) On June 21, 1916, Commander Yeates Stirling assumed the command of the newly designated Naval Submarine Base New London, the New London Submarine Flotilla, and the Submarine School.

(9) In the 100 years since the arrival of the first submarines to the base, Naval Submarine Base New London has grown to occupy more than 680 acres along the east side of the Thames River, with more than 160 major facilities, 15 nuclear submarines, and more than 70 tenant commands and activities, including the Submarine Learning Center, Naval Submarine School, the Naval Submarine Medical Research Laboratory, the Naval Undersea Medical Institute, and the newly established Undersea Warfare Development Center.

(10) In addition to being the site of the first submarine base in the United States, Connecticut was home to the foremost submarine manufacturers of the time, the Lake Torpedo Boat Company in Bridgeport and the Electric Boat Company in Groton, which later became General Dynamics Electric Boat.

(11) General Dynamics Electric Boat, its talented workforce, and its Connecticut-based and nationwide network of suppliers have delivered more than 200 submarines from its current location in Groton, Connecticut, including the first nuclear-powered submarine, the USS Nautilus (SSN 571), and nearly half of the nuclear submarines ever built by the United States.

(12) The Submarine Force Museum, located adjacent to Naval Submarine Base New London in Groton, Connecticut, is the only submarine museum operated by the United States Navy and today serves as the primary repository for artifacts, documents, and photographs relating to the bold and courageous history of the Submarine Force and highlights as its core exhibit the Historic Ship Nautilus (SSN 571) following her retirement from service.

(13) Reflecting the close ties between Connecticut and the Navy that began with the gift of land that established the base, the State of Connecticut has set aside \$40,000,000 in funding for critical infrastructure investments to support the mission of the base, including construction of a new dive locker building, expansion of the Submarine Learning Center, and modernization of energy infrastructure.

(14) On September 29, 2015, Connecticut Governor Dannel Malloy designated October 2015 through October 2016 as Connecticut's Submarine Century, a year-long observance that celebrates 100 years of submarine activity in Connecticut, including the Town of Groton's distinction as the Submarine Capital of the World, to coincide with the centennial anniversary of the establishment of Naval Submarine Base New London and the Naval Submarine School.

(15) Whereas Naval Submarine Base New London still proudly proclaims its motto of "The First and Finest".

(16) Congressman Higgins' statement before Congress in 1912 that "Connecticut stands

ready, as she always has, to bear her part of the burdens of the national defense" remains true today.

(b) SENSE OF CONGRESS.—Congress—

(1) commends the longstanding dedication and contribution to the Navy and submarine force by the people of Connecticut, both through the initial deed of gift that established what would become Naval Submarine Base New London and through their ongoing commitment to support the mission of the base and the Navy personnel assigned to it;

(2) honors the submariners who have trained and served at Naval Submarine Base New London throughout its history in support of the Nation's security and undersea superiority;

(3) recognizes the contribution of the industry and workforce of Connecticut in designing, building, and sustaining the Navy's submarine fleet; and

(4) encourages the recognition of Connecticut's Submarine Century by Congress, the Navy, and the American people by honoring the contribution of the people of Connecticut to the defense of the United States and the important role of the submarine force in safeguarding the security of the United States for more than a century.

**SEC. 1089. SENSE OF CONGRESS REGARDING THE REPORTING OF THE MV-22 MISHAP IN MARANA, ARIZONA, ON APRIL 8, 2000.**

It is the sense of Congress that—

(1) in the report accompanying H.R. 1735 of the 114th Congress (House Report 114-102), the Committee on Armed Services of the House of Representatives encouraged the Secretary of Defense to "publicly clarify the causes of the MV-22 mishap at Marana Northwest Regional Airport, Arizona, in a way consistent with the results of all investigations as soon as possible";

(2) the Deputy Secretary of Defense Robert O. Work did an excellent job reviewing the investigations of such mishap and concluded that there was a misrepresentation of facts by the media which incorrectly identified pilot error as the cause of the mishap which the Deputy Secretary publicly made known in March 2016; and

(3) Congress is grateful for the successful conclusion to this tragic situation.

**SEC. 1090. COST OF WARS.**

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Internet website of the Department of Defense the costs to each United States taxpayer of each of the wars in Afghanistan, Iraq, and Syria.

**SEC. 1091. RECONNAISSANCE STRIKE GROUP MATTERS.**

(a) MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—

(1) ANALYSES REQUIRED.—The Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the commanding general of the United States European Command, shall each conduct a separate analysis of alternative Army operational concepts and organizational designs, known as the Reconnaissance Strike Group, as recommended by the National Commission on the Future of the United States Army.

(2) ASSESSMENT OF ANALYSES.—The Chairman of the Joint Chiefs of Staff and Chief of Staff of the Army shall then each separately assess the operational merits, feasible force mix under programmed end-strength, estimated costs for assessed potential force structure changes, and strategic force sufficiency and risk of each analysis conducted under paragraph (1).

(b) REPORTS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each submit to the Committees on Armed Services of the Senate and House of Representatives a separate report on the alternative designs and operational

concepts analyzed under subsection (a)(1). Each such report shall include an assessment of the merits and sufficiency of such designs and concepts, the potential for future experimentation (such as a follow-on pilot program), and the recommendation of the Chairman and Chief of Staff, as the case may be, regarding the Reconnaissance Strike Group.

(c) INDEPENDENT ASSESSMENTS REQUIRED.—Before submittal of the reports required under subsection (b), the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army shall each select a Federally Funded Research and Development Center to review and evaluate each report. The review and evaluation of each report shall be submitted to the Committees on Armed Services of the Senate and House of Representatives together with the reports under subsection (b).

**SEC. 1092. BORDER SECURITY METRICS.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

(2) CONSEQUENCE DELIVERY SYSTEM.—The term "Consequence Delivery System" means the series of consequences applied by U.S. Border Patrol in collaboration with other Federal agencies to persons unlawfully entering the United States, in order to prevent unlawful border crossing recidivism.

(3) GOT AWAY.—The term "got away" means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States;

(B) is not apprehended; and

(C) is not a turn back.

(4) KNOWN MARITIME MIGRANT FLOW.—The term "known maritime migrant flow" means the sum of the number of undocumented migrants—

(A) interdicted in the waters over which the United States has jurisdiction;

(B) identified at sea either directly or indirectly, but not interdicted;

(C) if not described in subparagraph (A) or (B), who were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) MAJOR VIOLATOR.—The term "major violator" means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including the following:

(A) Possession of illicit drugs.

(B) Smuggling of prohibited products.

(C) Human smuggling.

(D) Possession of illegal weapons.

(E) Use of fraudulent documents.

(F) Any other offense that is serious enough to result in an arrest.

(6) SECRETARY.—The term "the Secretary" means the Secretary of Homeland Security.

(7) SITUATIONAL AWARENESS.—The term "situational awareness" means knowledge and understanding of current unlawful cross-border activity, including the following:

(A) Threats and trends concerning illicit trafficking and unlawful crossings.

(B) The ability to forecast future shifts in such threats and trends.

(C) The ability to evaluate such threats and trends at a level sufficient to create actionable plans.

(D) The operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(8) TRANSIT ZONE.—The term "transit zone" means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(9) **TURN BACK.**—The term “turn back” means an unlawful border crosser who, after making an unlawful entry into the United States, responds to United States enforcement efforts by returning promptly to the country from which such crosser entered.

(10) **UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.**—The term “unlawful border crossing effectiveness rate” means the percentage that results from dividing the number of apprehensions and turn backs by the sum of the number of apprehensions, estimated undetected unlawful entries, turn backs, and got aways.

(11) **UNLAWFUL ENTRY.**—The term “unlawful entry” means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) **METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, known-flow data, and technologically-measured data, of the following:

(i) The rate of apprehension of attempted unlawful border crossers.

(ii) The number of detected unlawful entries.

(iii) The number of estimated undetected unlawful entries.

(iv) Turn backs.

(v) Got aways.

(B) A measurement of situational awareness achieved in each U.S. Border Patrol sector.

(C) An unlawful border crossing effectiveness rate in each U.S. Border Patrol sector.

(D) A probability of detection rate, which compares the estimated total unlawful border crossing attempts not detected by U.S. Border Patrol to the unlawful border crossing effectiveness rate under subparagraph (C), as informed by subparagraph (A).

(E) The number of apprehensions in each U.S. Border Patrol sector.

(F) The number of apprehensions of unaccompanied alien children, and the nationality of such children, in each U.S. Border Patrol sector.

(G) The number of apprehensions of family units, and the nationality of such family units, in each U.S. Border Patrol sector.

(H) An illicit drugs seizure rate for drugs seized by U.S. Border Patrol between ports of entry, which compares the ratio of the amount and type of illicit drugs seized between ports of entry in any fiscal year to the average of the amount and type of illicit drugs seized between ports of entry in the immediately preceding five fiscal years.

(I) Estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years.

(J) An examination of each consequence under the Consequence Delivery System referred to in subparagraph (I), including the following:

(i) Voluntary return.

(ii) Warrant of arrest or notice to appear.

(iii) Expedited removal.

(iv) Reinstatement of removal.

(v) Alien transfer exit program.

(vi) Criminal consequence program.

(vii) Standard prosecution.

(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) **METRICS CONSULTATION.**—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, with the heads of other agencies, including the Office of Refugee

Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) **MANNER OF COLLECTION.**—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all U.S. Border Patrol sectors, informed by situational awareness.

(c) **METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Estimates, using alternative methodologies where appropriate, including recidivism data, survey data, and randomized secondary screening data, of the following:

(i) Total inadmissible travelers who attempt to, or successfully, enter the United States at a port of entry.

(ii) The rate of refusals and interdictions for travelers who attempt to, or successfully, enter the United States at a port of entry.

(iii) The number of unlawful entries at a port of entry.

(B) The amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at ports of entry during the previous fiscal year.

(C) An illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding five fiscal years.

(D) The number of infractions related to travelers and cargo committed by major violators who are interdicted by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not so interdicted.

(E) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine seizure effectiveness rate, which is the percentage resulting from dividing the amount of cocaine seized by the Office of Field Operations by the total estimated cocaine flow rate at ports of entry along the United States land border with Mexico and Canada.

(F) A measurement of how border security operations affect crossing times, including the following:

(i) A wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each land port of entry.

(ii) An infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each land port of entry.

(iii) A secondary examination rate that measures the frequency of secondary examinations at each land port of entry.

(iv) An enforcement rate that measures the effectiveness of such secondary examinations at detecting major violators.

(G) A seaport scanning rate that includes the following:

(i) The number of all cargo containers that are considered potentially “high-risk”, as determined by the Executive Assistant Commissioner of the Office of Field Operations.

(ii) A comparison of the number of potentially high-risk cargo containers scanned by the Office of Field Operations at each sea port of entry during a fiscal year to the total number of high-risk cargo containers entering the United States at each such sea port of entry during the previous fiscal year.

(iii) The number of potentially high-risk cargo containers scanned upon arrival at a United States sea port of entry.

(iv) The number of potentially high-risk cargo containers scanned before arrival at a United States sea port of entry.

(2) **METRICS CONSULTATION.**—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with heads of other appropriate agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice.

(3) **MANNER OF COLLECTION.**—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner across all United States ports of entry, informed by situational awareness.

(d) **METRICS FOR SECURING THE MARITIME BORDER.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) Situational awareness achieved in the maritime environment.

(B) A known maritime migrant flow rate.

(C) An illicit drugs removal rate for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the maritime security components of the Department of Homeland Security in any fiscal year to the average of the amount and type of illicit drugs removed by such maritime components for the immediately preceding five fiscal years.

(D) In consultation with the heads of the Office of National Drug Control Policy and the United States Southern Command, a cocaine removal effectiveness rate for cocaine removed inside a transit zone and outside a transit zone, which compares the amount of cocaine removed by the maritime security components of the Department of Homeland Security by the total documented cocaine flow rate, as contained in Federal drug databases.

(E) A response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside or outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information.

(F) An intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside a transit zone, with the number of such threats detected.

(2) **METRICS CONSULTATION.**—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) where appropriate, work with the heads of other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice.

(3) **MANNER OF COLLECTION.**—The data used by the Secretary shall be collected and reported in a consistent and standardized manner by the maritime security components of the Department

of Homeland Security, informed by situational awareness.

(e) **AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of Air and Marine Operations of U.S. Customs and Border Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include the following:

(A) A flight hour effectiveness rate, which compares Air and Marine Operations flight hours requirements to the number of flight hours flown by Air and Marine Operations.

(B) A funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to Air and Marine Operations to the number of actual flight hours flown by Air and Marine Operations.

(C) A readiness rate, which compares the number of aviation missions flown by Air and Marine Operations to the number of aviation missions cancelled by Air and Marine Operations due to maintenance, operations, or other causes.

(D) The number of missions cancelled by Air and Marine Operations due to weather compared to the total planned missions.

(E) The number of individuals detected by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(F) The number of apprehensions assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(G) The number and quantity of illicit drug seizures assisted by Air and Marine Operations through the use of unmanned aerial systems and manned aircraft.

(H) The number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) **METRICS CONSULTATION.**—To ensure that authoritative data sources are utilized in the development of the metrics described in paragraph (1), the Secretary shall—

(A) consult with the heads of the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with the heads of other departments and agencies, including the Department of Justice.

(3) **MANNER OF COLLECTION.**—The data collected to inform the metrics developed in accordance with paragraph (1) shall be collected and reported in a consistent and standardized manner by Air and Marine Operations, informed by situational awareness.

(f) **DATA TRANSPARENCY.**—The Secretary shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, law enforcement communities, and academic research communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data referred to in paragraph (1).

(g) **EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY.**—

(1) **METRICS REPORT.**—

(A) **MANDATORY DISCLOSURES.**—The Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States an annual report containing the metrics required under this section and the data and methodology used to develop such metrics.

(B) **PERMISSIBLE DISCLOSURES.**—The Secretary, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the Center for Borders, Trade, and Immigration Research of the Centers of Excellence

network of the Department of Homeland Security;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center.

(2) **GAO REPORT.**—Not later than 270 days after receiving the first report under paragraph (1)(A) and biennially thereafter for the following ten years with respect to every other such report, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in each such report; and

(B) includes recommendations on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) **STATE OF THE BORDER REPORT.**—Not later than 60 days after the end of each fiscal year through fiscal year 2026, the Secretary shall submit to the appropriate congressional committees a “State of the Border” report that—

(A) provides trends for each metric under this section for the last ten fiscal years, to the greatest extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including undocumented migrant flows and stock estimation techniques;

(C) provides selected analysis into related aspects of legal flow rates; and

(D) includes any other information that the Secretary determines appropriate.

(4) **METRICS UPDATE.**—

(A) **IN GENERAL.**—After submitting the tenth report to the Comptroller General under paragraph (1), the Secretary may reevaluate and update any of the metrics developed in accordance with this section to ensure that such metrics are suitable to measure the effectiveness of border security.

(B) **CONGRESSIONAL NOTIFICATION.**—Not later than 30 days before updating the metrics pursuant to subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

**SEC. 1093. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.**

(a) **COMMEMORATIVE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) **WORK WITH NONGOVERNMENTAL ORGANIZATIONS.**—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) **SCHEDULE.**—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) **COMMEMORATIVE ACTIVITIES AND OBJECTIVES.**—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America’s commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(d) **NAMES AND SYMBOLS.**—The Secretary shall have the sole and exclusive right to use the name “The United States of America Tomb of the Unknown Soldier Commemoration”, and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) **COMMEMORATION FUND.**—

(1) **IN GENERAL.**—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “Tomb of the Unknown Soldier Commemoration Fund” (in this subsection referred to as the “Fund”). The Fund shall be administered by the Secretary of Defense.

(2) **DEPOSITS.**—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) **USE OF FUND.**—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) **AVAILABILITY.**—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) **BUDGET REQUEST.**—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) **ACCEPTANCE OF VOLUNTARY SERVICES.**—

(1) **AUTHORITY TO ACCEPT SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) **REIMBURSEMENT OF INCIDENTAL EXPENSES.**—The Secretary may provide for reimbursement of incidental expenses incurred by a

person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) **FINAL REPORT.**—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

**SEC. 1094. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC-46A AIRCRAFT.**

(a) **FINDING.**—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC-46A aircraft at installations in the Continental United States (in this section referred to as “CONUS”) and forward-basing outside the Continental United States (in this section referred to as “OCONUS”).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC-46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

**SEC. 1095. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Arctic is a region of growing strategic importance to the national security interest of the United States and that the Department of Defense must better align its posture and capabilities to meet the growing array of challenges in the region.

(b) **ARCTIC DEFINED.**—In this section, the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(c) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report containing an assessment of the future security requirements for one or more strategic ports in the Arctic.

(d) **CONTENTS OF REPORT.**—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the reports required under section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 992), the report required under subsection (c) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;

(B) maritime surface and subsurface warning;

(C) maritime control and defense;

(D) maritime domain awareness;

(E) homeland defense;

(F) defense support to civil authorities;

(G) humanitarian relief;

(H) search and rescue;

(I) disaster relief;

(J) oil spill response;

(K) medical stabilization and evacuation; and

(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in paragraph (2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in paragraph (2).

(e) **DESIGNATION OF STRATEGIC ARCTIC PORTS.**—

(1) **DESIGNATION CRITERIA AND RECOMMENDATIONS.**—Upon completion of the report required under subsection (c), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall—

(A) establish criteria for the designation of a port as a “Department of Defense Strategic Arctic Port”; and

(B) if the report required under subsection (c) includes a determination that one or more strategic Arctic ports are necessary to fulfill future security requirements in the Arctic, not later than 18 months after the date of the completion of the report, submit to the congressional defense committees recommendations for the designation of one or more ports as Department of Defense Strategic Arctic Ports.

(2) **COST ESTIMATES.**—The recommendations submitted under paragraph (1)(B) shall include the estimated cost of sufficient construction necessary to initiate and sustain expected operations at the ports designated as Department of Defense Strategic Arctic Ports.

(3) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to authorize any additional appropriations for the Department of Defense for the establishment of any port recommended pursuant to this section.

**SEC. 1096. RECOVERY OF EXCESS RIFLES, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.**

(a) **RECOVERY.**—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

“§40728B. **Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons**

“(a) **AUTHORITY TO RECOVER.**—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any rifle, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

“(A) provided to any country on a grant basis under the conditions imposed by section 505 of

the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

“(B) lawfully acquired by such person.

“(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

“(3) The Secretary of the Army may accept rifles, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

“(b) **COST OF RECOVERY.**—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

“(c) **AVAILABILITY FOR TRANSFER.**—Any rifles, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

“(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

“(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any rifles, ammunition, repair parts, or supplies under this paragraph.

“(d) **MARKET VALUE.**—The Secretary of the Army may only transfer an item under subsection (c) if the Secretary receives fair market value for the item.

“(e) **CONTRACTS.**—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

“(f) **AECA.**—Transfers authorized under this section may only be made in accordance with applicable provisions of the Arms Export Control Act (22 U.S.C. 2778).

“(g) **RIFLE DEFINED.**—In this section, the term “rifle” has the meaning given such term in section 921 of title 18.”

(b) **SALE.**—Section 40732 of such title is amended—

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

“(d) **SALES BY OTHER PERSONS.**—A person who receives a rifle or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such rifle, ammunition, repair parts, or supplies. With respect to rifles other than caliber .22 rimfire and caliber .30 rifles, the seller shall obtain a license as a dealer in rifles and abide by all requirements imposed on persons licensed under chapter 44 of title 18, including maintaining acquisition and disposition records, and conducting background checks.”; and

(2) in subsection (c)(1), by striking “The corporation may not” and inserting “No person acquiring a firearm under this chapter may”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item:

“40728B. Recovery of excess rifles, ammunition, and parts granted to foreign countries and transfer to certain persons.”.

(d) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the acquisition and transfer of excess rifles, ammunition, repair parts, and other supplies described in section 40731(a) of title 36, United States Code, that were provided to a country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961. The report shall include each of the following:

(A) A list of excess rifles, ammunition, repair parts, and other supplies known to the United States Army as eligible for transfer under section 40731(a) of title 36, United States Code.

(B) An assessment of whether and how the Secretary of the Army intends to use the authorities under section 40728B of title 36, United States Code, as added by this section.

(C) Any other issue that the Secretary of the Army considers appropriate.

(2) **PROHIBITION ON TRANSFERS PENDING SUBMITTAL OF REPORT.**—No rifle, ammunition, repair part, or supplies acquired under section 40728B(a) of title 36, United States Code, may be transferred until the date that is 90 days after the date of the submittal of the report required under paragraph (1).

## TITLE XI—CIVILIAN PERSONNEL MATTERS

### Subtitle A—Department of Defense Matters Generally

- Sec. 1101. Civilian personnel management.
- Sec. 1102. Repeal of requirement for annual strategic workforce plan for the Department of Defense.
- Sec. 1103. Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command.
- Sec. 1104. Public-private talent exchange.
- Sec. 1105. Temporary and term appointments in the competitive service in the Department of Defense.
- Sec. 1106. Direct-hire authority for the Department of Defense for post-secondary students and recent graduates.
- Sec. 1107. Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense.
- Sec. 1108. Extension of rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1109. Limitation on number of DOD SES positions.
- Sec. 1110. Direct hire authority for financial management experts in the Department of Defense workforce.
- Sec. 1111. Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement.

### Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

- Sec. 1121. Permanent personnel management authority for the Department of Defense for experts in science and engineering.
- Sec. 1122. Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories.
- Sec. 1123. Modification to information technology personnel exchange program.
- Sec. 1124. Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
- Sec. 1125. Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation.

### Subtitle C—Governmentwide Matters

- Sec. 1131. Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces.
- Sec. 1132. Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel.
- Sec. 1133. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1134. Advance payments for employees relocating within the United States and its territories.
- Sec. 1135. Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency.
- Sec. 1136. Review of official personnel file of former Federal employees before rehiring.
- Sec. 1137. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1138. Administrative leave.
- Sec. 1139. Direct hiring for Federal wage schedule employees.
- Sec. 1140. Record of investigation of personnel action in separated employee's official personnel file.

### Subtitle A—Department of Defense Matters Generally

#### SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) **MODIFICATION OF MANAGEMENT LIMITATIONS.**—Section 129 of title 10, United States Code, is amended—

- (1) in subsection (a)—
- (A) in the first sentence, by striking “solely”;
- (B) in the second sentence—
- (i) by striking “The management of such personnel in any fiscal year shall not be subject to any” and inserting “Any”; and
- (ii) by inserting before the period the following: “shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances”; and
- (C) in the third sentence, by striking “unless such reduction” and all that follows and inserting “except in accordance with the requirements of this section and section 129a of this title.”;

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c):

“(c)(1) Not later than February 1 of each year—

“(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

“(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

“(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

“(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

“(B) If the projected size of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting

reductions and avoid unnecessary overall growth in the size of the civilian workforce.

“(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.”.

(b) **CONFORMING AMENDMENTS.**—

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

“§ 129. Civilian personnel management”.

(2) **CLERICAL AMENDMENT.**—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“129. Civilian personnel management.”.

#### SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) **REPEAL.**—Section 115b of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

#### SEC. 1103. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) **TRAINING REQUIRED.**—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **TRAINING.**—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

“(2) For purposes of this subsection, covered personnel are employees of the Department who—

“(A) carry out functions relating to—

“(i) the management of human resources and the civilian workforce of the Department; or

“(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

“(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.”.

(b) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) **ONGOING REPORTS.**—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking “supervisors of employees in qualified positions at the Department on the use of the new authorities” and inserting “employees described in subsection (f)(2) on the use of authorities under this section”.

#### SEC. 1104. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) **AUTHORITY.**—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 1599g. Public-private talent exchange

“(a) **ASSIGNMENT AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the Secretary may, with the agreement of a private-sector organization and the consent of the employee, arrange for the temporary assignment of

an employee to such private-sector organization, or from such private-sector organization to a Department of Defense organization under this section.

“(b) **AGREEMENTS.**—(1) The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee’s assignment under this section. The agreement—

“(A) shall require that the employee of the Department of Defense, upon completion of the assignment, will serve in the Department of Defense, or elsewhere in the civil service if approved by the Secretary, for a period equal to twice the length of the assignment;

“(B) shall provide that if the employee of the Department of Defense or of the private-sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense; and

“(C) shall contain language ensuring that such employee of the Department does not improperly use pre-decisional or draft deliberative information that such employee may be privy to or aware of related to Department programing, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization.

“(2) An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

“(3) The Secretary may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

“(c) **TERMINATION.**—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

“(d) **DURATION.**—(1) An assignment under this section shall be for a period of not less than three months and not more than two years, renewable up to a total of four years. No employee of the Department of Defense may be assigned under this section for more than a total of 4 years inclusive of all such assignments.

“(2) An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

“(e) **STATUS OF FEDERAL EMPLOYEES ASSIGNED TO PRIVATE-SECTOR ORGANIZATIONS.**—(1) An employee of the Department of Defense who is assigned to a private-sector organization under this section shall be considered, during the period of assignment, to be on detail to a regular work assignment in the Department for all purposes. The written agreement established under subsection (b)(1) shall address the specific terms and conditions related to the employee’s continued status as a Federal employee.

“(2) In establishing a temporary assignment of an employee of the Department of Defense to a private-sector organization, the Secretary of Defense shall—

“(A) ensure that the normal duties and functions of such employee can be reasonably performed by other employees of the Department of Defense without the transfer or reassignment of other personnel of the Department of Defense, including members of the armed forces;

“(B) ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary assignment, performed or augmented by contractor personnel in violation of the provisions of section 2461 of this title; and

“(C) certify that the temporary assignment of such employee shall not have an adverse or neg-

ative impact on mission attainment, warfighter support, or organizational capabilities associated with the assignment.

“(f) **TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.**—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

“(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is assigned and shall not receive pay or benefits from the Department of Defense, except as provided in paragraph (2);

“(2) is deemed to be an employee of the Department of Defense for the purposes of—

“(A) chapters 73 and 81 of title 5;

“(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

“(C) sections 1343, 1344, and 1349(b) of title 31;

“(D) the Federal Tort Claims Act and any other Federal tort liability statute;

“(E) the Ethics in Government Act of 1978; and

“(F) chapter 21 of title 41;

“(3) shall not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned;

“(4) may perform work that is considered inherently governmental in nature only when requested in writing by the Secretary of Defense; and

“(5) may not be used to circumvent the provision of section 2461 of this title nor to circumvent any limitation or restriction on the size of the Department’s workforce.

“(g) **PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.**—A private-sector organization may not charge the Department or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department organization under this section for the period of the assignment.

“(h) **CONSIDERATIONS.**—In carrying out this section, the Secretary of Defense—

“(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5);

“(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees; and

“(3) shall take into consideration, where applicable, areas of particular private sector expertise, such as cybersecurity.”

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

“1599g. Public-private talent exchange.”

**SEC. 1105. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.**

(a) **APPOINTMENT.**—  
(1) **IN GENERAL.**—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) **EXTENSION.**—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) **APPOINTMENTS FOR CRITICAL HIRING NEEDS.**—

(1) **IN GENERAL.**—If there is a critical hiring need, the Secretary of Defense may make a non-competitive temporary appointment or a non-competitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) **NO EXTENSION AVAILABLE.**—An appointment made under paragraph (1) may not be extended.

(c) **REGULATIONS.**—The Secretary may prescribe regulations to carry out this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “temporary appointment” means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term “term appointment” means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

**SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.**

(a) **HIRING AUTHORITY.**—Without regard to sections 3309 through 3318, 3327, and 3330 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to competitive service positions in professional and administrative occupations within the Department of Defense.

(b) **LIMITATION ON APPOINTMENTS.**—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS-11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) **LOWER LIMIT ON APPOINTMENTS.**—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(3) **PUBLIC NOTICE AND ADVERTISING.**—To the extent practical, as determined by the Secretary, the Secretary shall publicly advertise positions available under this section. In carrying out the preceding sentence, the Secretary shall—

(A) take into account merit system principles, mission requirements, costs, and organizational benefits of any advertising of positions; and

(B) advertise such positions in the manner the Secretary determines is most likely to provide diverse and qualified candidates and ensure potential applicants have appropriate information relevant to the positions available.

(d) **SUNSET.**—The authority provided under this section shall terminate on September 30, 2021.

(e) **DEFINITIONS.**—In this section:

(1) The term “current post-secondary student” means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term “recent graduate”, with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

**SEC. 1107. TEMPORARY INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

During the period beginning on the date of enactment of this Act and ending on September 30, 2018, section 9902(f)(5)(A)(ii) of title 5, United States Code, shall be applied by substituting “an amount determined by the Secretary, not to exceed \$40,000” for “\$25,000”.

**SEC. 1108. EXTENSION OF RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.**

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking “September 30, 2017” and inserting “September 30, 2018”.

**SEC. 1109. LIMITATION ON NUMBER OF DOD SES POSITIONS.**

(a) **LIMITATION ON NUMBER OF DOD SES POSITIONS.**—

(1) **IN GENERAL.**—Not later than December 31, 2022, the total number of Senior Executive Service positions authorized under section 3133 of title 5, United States Code, for the Department of Defense may not exceed 1,260.

(2) **HIGHLY QUALIFIED EXPERTS.**—Of the total number of positions authorized under paragraph (1), not more than 200 of such positions may be occupied by an individual appointed under the authority provided in section 9903 of such title.

(b) **PLAN TO ACHIEVE REQUIRED LIMITATION.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a plan to achieve the limitation required by subsection (a) that includes—

(A) the distribution of Senior Executive Service positions across the Office of the Secretary of Defense, the Joint Staff, the Military Departments, the Defense Agencies and Field Activities, the unified and specified combatant commands, and other key elements of the Department of Defense;

(B) the by-year reductions to Senior Executive Service positions consistent with the distribution required under subparagraph (A); and

(C) recommendations for any legislative action that may be necessary for personnel management and shaping authorities to achieve the required limitation.

(2) **SUBMISSION OF PLAN.**—Not less than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan developed under paragraph (1).

(3) **PROGRESS REPORTS.**—The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives semi-annual progress report briefings describing and assessing the progress of the Secretary in implementing the plan developed under paragraph (1).

(c) **CONFORMING AMENDMENT.**—Section 3133(c) of title 5, United States Code, is amended by adding at the end the following new sentence: “Beginning in 2023, the number of such positions authorized under the preceding sentence for the Department of Defense may not exceed the limitation provided in section 1109 of the National Defense Authorization Act for Fiscal Year 2017.”.

(d) **DEFINITION OF SENIOR EXECUTIVE SERVICE POSITION.**—In this section, the term “Senior Executive Service position” has the meaning given such term in section 3132(a)(2) of title 5, United States Code.

**SEC. 1110. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.**

(a) **AUTHORITY.**—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent

experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) **SECRETARY CONCERNED.**—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) **POSITIONS.**—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(7) Business and business administration positions.

(d) **LIMITATION.**—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) **NATURE OF APPOINTMENT.**—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) **EMPLOYEE DEFINED.**—In this section, the term “employee” has the meaning given that term in section 2105 of title 5, United States Code.

(g) **TERMINATION.**—The authority to make appointments under this section shall not be available after December 31, 2022.

**SEC. 1111. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.**

Section 3326(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding “or” at the end;

(2) in paragraph (2), by striking “; or” and inserting a period; and

(3) by striking paragraph (3).

**Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters**

**SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.**

(a) **PERMANENT PERSONNEL MANAGEMENT AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 81 of title 10, United States Code, as amended by section 1104 of this Act, is further amended by adding at the end the following new section:

**“§ 1599h. Personnel management authority to attract experts in science and engineering**

**“(a) PROGRAMS AUTHORIZED.**—

**“(1) LABORATORIES OF THE MILITARY DEPARTMENTS.**—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

**“(2) DARPA.**—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management author-

ity provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

**“(3) DOTE.**—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

**“(b) PERSONNEL MANAGEMENT AUTHORITY.**—Under a program under subsection (a), the official responsible for administration of the program may—

**“(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—**

**“(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;**

**“(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 5 such positions may be positions of administration or management of the Agency; and**

**“(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;**

**“(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—**

**“(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and**

**“(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and**

**“(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).**

**“(c) LIMITATION ON TERM OF APPOINTMENT.**—

**“(1) IN GENERAL.**—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

**“(2) EXTENSION.**—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

**“(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.**—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee’s total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:

“1599h. Personnel management authority to attract experts in science and engineering.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) is repealed.

(c) APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as in effect on the day before such date) shall remain employed under section 1599h of title 10, United States Code (as added by subsection (a)), after such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.

(2) DATE OF APPOINTMENT.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) (as so in effect).

**SEC. 1122. CODIFICATION AND MODIFICATION OF CERTAIN AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.**

(a) CODIFICATION.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

**“§2358a. Authorities for certain positions at science and technology reinvention laboratories**

“(a) AUTHORITY TO MAKE DIRECT APPOINTMENTS.—

“(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS AT SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—The director of any Science and Technology Reinvention Laboratory (hereinafter in this section referred to as a ‘STRL’) may appoint qualified candidates possessing a bachelor’s degree to positions described in paragraph (1) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

“(2) VETERAN CANDIDATES FOR SIMILAR POSITIONS AT RESEARCH AND ENGINEERING FACILITIES.—The director of any STRL may appoint qualified veteran candidates to positions described in paragraph (2) of subsection (b) as an employee at a laboratory, agency, or organization specified in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5.

“(3) STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The director of any STRL may appoint qualified candidates enrolled in a program of undergraduate or graduate instruction leading to a bachelor’s or an advanced degree in a scientific, technical, engineering or mathematical course of study at an institution of higher education (as that term is defined in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002)) to positions described in paragraph (3) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

“(4) NONCOMPETITIVE CONVERSION TO PERMANENT APPOINTMENT.—With respect to any student appointed by the director of an STRL under paragraph (3) to a temporary or term appointment, upon graduation from the applicable institution of higher education (as defined in

such paragraph), the director may noncompetitively convert such student to a permanent appointment within the STRL without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title), provided the student meets all eligibility and Office of Personnel Management qualification requirements for the position.

“(b) COVERED POSITIONS.—

“(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS.—The positions described in this paragraph are scientific and engineering positions that may be temporary, term, or permanent in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

“(2) QUALIFIED VETERAN CANDIDATES.—The positions described in this paragraph are scientific, technical, engineering, and mathematics positions, including technicians, in the following:

“(A) Any laboratory referred to in paragraph (1).

“(B) Any other Department of Defense research and engineering agency or organization designated by the Secretary for purposes of subsection (a)(2).

“(3) CANDIDATES ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The positions described in this paragraph are scientific and engineering positions that may be temporary or term in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

“(c) LIMITATION ON NUMBER OF APPOINTMENTS ALLOWABLE IN A CALENDAR YEAR.—The authority under subsection (a) may not, in any calendar year and with respect to any laboratory, agency, or organization described in subsection (b), be exercised with respect to a number of candidates greater than the following:

“(1) In the case of a laboratory described in subsection (b)(1), with respect to appointment authority under subsection (a)(1), the number equal to 6 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(2) In the case of a laboratory, agency, or organization described in subsection (b)(2), with respect to appointment authority under subsection (a)(2), the number equal to 3 percent of the total number of scientific, technical, engineering, mathematics, and technician positions in such laboratory, agency, or organization that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(3) In the case of a laboratory described in subsection (b)(3), with respect to appointment authority under subsection (a)(3), the number equal to 10 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(d) SENIOR SCIENTIFIC TECHNICAL MANAGERS.—

“(1) ESTABLISHMENT.—There is hereby established in each STRL a category of senior professional scientific and technical positions, the incumbents of which shall be designated as ‘senior scientific technical managers’ and which shall be positions classified above GS–15 of the General Schedule, notwithstanding section 5108(a) of title 5. The primary functions of such positions shall be—

“(A) to engage in research and development in the physical, biological, medical, or engineering sciences, or another field closely related to the mission of such STRL; and

“(B) to carry out technical supervisory responsibilities.

“(2) APPOINTMENTS.—The positions described in paragraph (1) may be filled, and shall be

managed, by the director of the STRL involved, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director of the laboratory involved shall determine the number of such positions at such laboratory, not to exceed 2 percent of the number of scientists and engineers employed at such laboratory as of the close of the last fiscal year before the fiscal year in which any appointments subject to that numerical limitation are made.

“(e) EXCLUSION FROM PERSONNEL LIMITATIONS.—

“(1) IN GENERAL.—The director of an STRL shall manage the workforce strength, structure, positions, and compensation of such STRL—

“(A) without regard to any limitation on appointments, positions, or funding with respect to such STRL, subject to subparagraph (B); and

“(B) in a manner consistent with the budget available with respect to such STRL.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to Senior Executive Service positions (as defined in section 3132(a) of title 5) or scientific and professional positions authorized under section 3104 of such title.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘employee’ has the meaning given that term in section 2105 of title 5.

“(2) The term ‘veteran’ has the meaning given that term in section 101 of title 38.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2358 the following new item:

“2358a. Authorities for certain positions at science and technology reinvention laboratories.”.

(b) REPEAL OF SUPERSEDED SECTION.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is hereby repealed.

**SEC. 1123. MODIFICATION TO INFORMATION TECHNOLOGY PERSONNEL EXCHANGE PROGRAM.**

Section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C. 3702 note) is amended—

(1) in the section heading, by inserting “CYBER AND” before “INFORMATION”.

(2) in subsections (a)(1)(A), (a)(1)(C), and (g)(2), by inserting “cyber operations or” before “information”;

(3) in subsection (d), by striking “2018” and inserting “2022”;

(4) in subsection (g)(1), by inserting “to or” before “from”; and

(5) in subsection (h), by striking “10” and inserting “50”.

**SEC. 1124. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.**

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department concerned.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level 1 of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level 1 of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions having terms that continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “science and technology reinvention laboratories of the Department of Defense” means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

**SEC. 1125. TEMPORARY DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES, THE MAJOR RANGE AND TEST FACILITIES BASE, AND THE OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.**

(a) DEFENSE INDUSTRIAL BASE FACILITY AND MRTFB.—During fiscal years 2017 and 2018, the Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, qualified candidates to positions in the competitive service at any defense industrial base facility or the Major Range and Test Facilities Base.

(b) OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—During fiscal years 2017 through 2021, the Secretary of Defense may, acting through the Director of Operational Test and Evaluation, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(c) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

**Subtitle C—Governmentwide Matters**

**SEC. 1131. ELIMINATION OF TWO-YEAR ELIGIBILITY LIMITATION FOR NON-COMPETITIVE APPOINTMENT OF SPOUSES OF MEMBERS OF THE ARMED FORCES.**

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3) NO TIME LIMITATION ON APPOINTMENT.—A relocating spouse of a member of the Armed Forces remains eligible for noncompetitive appointment under this section for the duration of the spouse’s relocation to the permanent duty station of the member.”.

**SEC. 1132. TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.**

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, during fiscal years 2017 and 2018, an employee of a defense industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at (A) any such facility, Base, or any other component of the Department of Defense when such facility, Base, or component (as the case may be) is accepting applications from individuals within the facility, Base, or component’s workforce under merit promotion procedures, or (B) any agency when the agency is accepting applications from individuals outside its own workforce under merit promotion procedures of the applicable agency, if—

(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 of such title to the time-limited appointment;

(2) the employee has served under 1 or more time-limited appointments by a defense industrial base facility or the Major Range and Test Facilities Base for a period or periods totaling more than 24 months without a break of 2 or more years; and

(3) the employee’s performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).

(b) WAIVER OF AGE REQUIREMENT.—In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

(c) STATUS.—An individual appointed under this section—

(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

(2) acquires competitive status upon appointment.

(d) FORMER EMPLOYEES.—A former employee of a defense industrial base facility or the Major Range and Test Facilities Base who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

(2) such employee’s most recent separation was for reasons other than misconduct or performance.

(e) BENEFITS.—Any employee of a defense industrial base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service shall be provided with benefits that are comparable to the benefits provided to similar employees not

serving under time-limited appointments at the defense industrial base facility or the Major Range and Test Facilities Base concerned, including professional development opportunities, eligibility for awards programs, and designation as status applicants for purposes of eligibility for positions in the civil service.

(f) DEFINITION OF DEFENSE INDUSTRIAL BASE FACILITY.—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

**SEC. 1133. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and as most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1022), is further amended by striking “2017” and inserting “2018”.

**SEC. 1134. ADVANCE PAYMENTS FOR EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.**

(a) IN GENERAL.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by striking “(a) The head” and inserting “(a)(1) The head”; and

(2) by adding at the end the following: “(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 4 pay periods, to an employee who is assigned to a position in the agency that is located—

“(A) outside of the employee’s commuting area; and

“(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.”.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or assigned” after “appointed”; and

(2) in paragraph (2)(B)—  
(A) by inserting “or assignment” after “appointment”; and  
(B) by inserting “or assigned” after “appointed”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting “and employees relocating within the United States and its territories” after “appointees”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections of chapter 55 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and employees relocating within the United States and its territories.”.

**SEC. 1135. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.**

Section 9602 of title 5, United States Code, is amended—

(1) in subsection (a) by striking “any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency” and inserting “such land management agency when such agency is accepting applications from individuals within the agency’s workforce under merit promotion procedures, or any agency, including a land management agency, when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency”; and

(2) in subsection (d) by inserting “of the agency from which the former employee was most recently separated” after “deemed a time-limited employee”.

**SEC. 1136. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER FEDERAL EMPLOYEES BEFORE REHIRING.**

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

**“§330e. Review of official personnel file of former Federal employees before rehiring**

“(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider merit-based information relating to such employee’s former period or periods of service such as official personnel actions, employee performance ratings, and disciplinary actions, if any, in such employee’s official personnel record file.

“(b) In subsection (a), the term ‘former Government employee’ means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.

“(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section. Such regulations may not contain provisions that would increase the time required for agency hiring actions.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before rehiring.”.

**SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1027), is further amended by striking “through 2016” and inserting “through 2017”.

**SEC. 1138. ADMINISTRATIVE LEAVE.**

(a) SHORT TITLE.—This section may be cited as the “Administrative Leave Act of 2016”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment; and

(B) transfer;

(4) an agency should prioritize and expeditiously conclude an investigation in which an

employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

**“§ 6329a. Administrative leave**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘administrative leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service; and

“(B) that is not authorized under any other provision of law;

“(2) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title);

“(B) includes the Department of Veterans Affairs; and

“(C) does not include the Government Accountability Office; and

“(3) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

“(b) ADMINISTRATIVE LEAVE.—

“(1) IN GENERAL.—During any calendar year, an agency may place an employee in administrative leave for a period of not more than a total of 10 work days.

“(2) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

“(c) REGULATIONS.—

“(1) OPM REGULATIONS.—Not later than 270 calendar days after the date of enactment of this section, the Director of the Office of Personnel Management shall—

“(A) prescribe regulations to carry out this section; and

“(B) prescribe regulations that provide guidance to agencies regarding—

“(i) acceptable agency uses of administrative leave; and

“(ii) the proper recording of—

“(I) administrative leave; and

“(II) other leave authorized by law.

“(2) AGENCY ACTION.—Not later than 270 calendar days after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

“(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

“6329a. Administrative leave.”.

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

**“§ 6329b. Investigative leave and notice leave**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title);

“(B) includes the Department of Veterans Affairs; and

“(C) does not include the Government Accountability Office;

“(2) the term ‘Chief Human Capital Officer’ means—

“(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

“(B) the equivalent;

“(3) the term ‘committees of jurisdiction’, with respect to an agency, means each committee of the Senate or House of Representatives with jurisdiction over the agency;

“(4) the term ‘Director’ means the Director of the Office of Personnel Management;

“(5) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include—

“(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

“(ii) the Inspector General of an agency;

“(6) the term ‘investigative entity’ means—

“(A) an internal investigative unit of an agency granting investigative leave under this section;

“(B) the Office of Inspector General of an agency granting investigative leave under this section;

“(C) the Attorney General; and

“(D) the Office of Special Counsel;

“(7) the term ‘investigative leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is the subject of an investigation is placed;

“(8) the term ‘notice leave’ means leave—

“(A) without loss of or reduction in—

“(i) pay;

“(ii) leave to which an employee is otherwise entitled under law; or

“(iii) credit for time or service;

“(B) that is not authorized under any other provision of law; and

“(C) in which an employee who is in a notice period is placed; and

“(9) the term ‘notice period’ means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

“(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

“(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

“(A) investigative leave if the employee is the subject of an investigation;

“(B) notice leave if the employee is in a notice period; or

“(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

“(i) the agency proposes or initiates an adverse action against the employee; and

“(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in paragraph (2)(A).

“(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

“(A) made a determination with respect to the employee that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, as applicable, may—

“(i) pose a threat to the employee or others;

“(ii) result in the destruction of evidence relevant to an investigation;

“(iii) result in loss of or damage to Government property; or

“(iv) otherwise jeopardize legitimate Government interests;

“(B) considered—

“(i) assigning the employee to duties in which the employee no longer poses a threat described in clauses (i) through (iv) of subparagraph (A);

“(ii) allowing the employee to take leave for which the employee is eligible;

“(iii) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; and

“(iv) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; and

“(C) determined that none of the available options under clauses (i) through (iv) of subparagraph (B) is appropriate.

“(3) DURATION OF LEAVE.—

“(A) INVESTIGATIVE LEAVE.—Upon the expiration of the 10 work day period described in section 6329a(b)(1) with respect to an employee, and if an agency determines that an extended investigation of the employee is necessary, the agency may place the employee in investigative leave for a period of not more than 30 work days.

“(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

“(4) EXPLANATION OF LEAVE.—

“(A) IN GENERAL.—If an agency places an employee in leave under this subsection, the agency shall provide the employee a written explanation of whether the employee was placed in investigative leave or notice leave.

“(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

“(i) the applicable limitations under paragraph (3); and

“(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

“(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under paragraph (1), an agency shall—

“(A) return the employee to regular duty status;

“(B) take 1 or more of the actions under clauses (i) through (iv) of paragraph (2)(B);

“(C) propose or initiate an adverse action against the employee as provided under law; or

“(D) extend the period of investigative leave under subsections (c) and (d).

“(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (c) and (d).

“(C) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 work days.

“(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 90 work days.

“(3) DESIGNATION GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

“(4) EXTENSIONS FOR OIG EMPLOYEES.—

“(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

“(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

“(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

“(B) GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

“(d) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

“(1) REPORT.—After reaching the limit under subsection (c)(2) and if an investigative entity submits a certification under paragraph (2) of this subsection, an agency may further extend a period of investigative leave for an employee for periods of not more than 30 work days each if, not later than 5 business days after granting each further extension, the agency submits to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction, a report containing—

“(A) the title, position, office or agency subcomponent, job series, pay grade, and salary of the employee;

“(B) a description of the duties of the employee;

“(C) the reason the employee was placed in investigative leave;

“(D) an explanation as to why—

“(i) the employee poses a threat described in clauses (i) through (iv) of subsection (b)(2)(A); and

“(ii) the agency is not able to reassign the employee to another position within the agency;

“(E) in the case of an employee required to telework under section 6502(c) during the investigation of the employee—

“(i) the reasons that the agency required the employee to telework under that section; and

“(ii) the duration of the teleworking requirement;

“(F) the status of the investigation of the employee;

“(G) the certification described in paragraph (2); and

“(H) in the case of a completed investigation of the employee—

“(i) the results of the investigation; and

“(ii) the reason that the employee remains in investigative leave.

“(2) CERTIFICATION.—If, after an employee has reached the limit under subsection (c)(2), an

investigative entity determines that additional time is needed to complete the investigation of the employee, the investigative entity shall—

“(A) certify to the appropriate agency that additional time is needed to complete the investigation of the employee; and

“(B) include in the certification an estimate of the amount of time that is necessary to complete the investigation of the employee.

“(3) NO EXTENSIONS AFTER COMPLETION OF INVESTIGATION.—An agency may not further extend a period of investigative leave of an employee under paragraph (1) on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity.

“(e) CONSULTATION GUIDANCE.—Not later than 270 calendar days after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

“(1) pose a threat to the employee or others;

“(2) result in the destruction of evidence relevant to an investigation;

“(3) result in loss of or damage to Government property; or

“(4) otherwise jeopardize legitimate Government interests.

“(f) REPORTING AND RECORDS.—

“(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

“(A) the basis for the determination made under subsection (b)(2)(A);

“(B) an explanation of why an action under clauses (i) through (iv) of subsection (b)(2)(B) was not appropriate;

“(C) the length of the period of leave;

“(D) the amount of salary paid to the employee during the period of leave;

“(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (c)(1);

“(F) whether the employee is required to telework under section 6502(c) during the investigation, including the reasons for requiring the employee to telework; and

“(G) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (c) or (d).

“(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

“(A) to any committee of jurisdiction, upon request;

“(B) to the Office of Personnel Management; and

“(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

“(g) RECOURSE TO THE OFFICE OF SPECIAL COUNSEL.—For purposes of subchapter II of chapter 12 and section 1221, placement on investigative leave under subsection (b) of this section for a period of not less than 70 work days shall be considered a personnel action under paragraph (8) or (9) of section 2302(b).

“(h) REGULATIONS.—

“(1) OPM ACTION.—Not later than 270 calendar days after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

“(A) acceptable purposes for the use of—

“(i) investigative leave; and

“(ii) notice leave;

“(B) the proper recording of—

“(i) the leave categories described in subparagraph (A); and

“(ii) other leave authorized by law;  
“(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

“(i) pose a threat to the employee or others;  
“(ii) result in the destruction of evidence relevant to an investigation;

“(iii) result in loss or damage to Government property; or

“(iv) otherwise jeopardize legitimate Government interests; and

“(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (c) or (d).

“(2) AGENCY ACTION.—Not later than 270 calendar days after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

“(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”

(2) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) of this section and paragraph (1) of this subsection, respectively, including—

(A) the number of times that an agency, under subsection (c)(1) of such section 6329b—

(i) consulted with the investigator responsible for conducting the investigation to which an employee was subject with respect to the decision of the agency to grant an extension under that subsection; and

(ii) did not have a consultation described in clause (i), including the reasons that the agency failed to have such a consultation;

(B) an assessment of the use of the authority provided under subsection (d) of such section 6329b by agencies, including data regarding the number and length of extensions granted under that subsection;

(C) an assessment of the compliance with the requirements of subsection (f) of such section 6329b by agencies;

(D) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (b)(2)(A)(iv) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence; and

(E) an assessment of the effectiveness of subsection (g) of such section 6329b in preventing and correcting the use of extended investigative leave as a tool of reprisal for making a protected disclosure or engaging in protected activity as described in paragraph (8) or (9) of section 2302(b) of title 5, United States Code.

(3) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

“(c) REQUIRED TELEWORK.—If an agency places an employee in investigative leave under section 6329b, the agency may require the employee to, through telework, perform duties similar to the duties that the employee performs onsite if—

“(1) the agency determines that such a requirement would not—

“(A) pose a threat to the employee or others;  
“(B) result in the destruction of evidence relevant to an investigation;

“(C) result in the loss of or damage to Government property; or

“(D) otherwise jeopardize legitimate Government interests;

“(2) the employee is eligible to telework under subsections (a) and (b) of this section; and

“(3) the agency determines that it would be appropriate for the employee to perform the duties of the employee through telework.”

(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

“6329b. Investigative leave and notice leave.”

(e) WEATHER AND SAFETY LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 6329c. Weather and safety leave

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’—

“(A) means an Executive agency (as defined in section 105 of this title);

“(B) includes the Department of Veterans Affairs; and

“(C) does not include the Government Accountability Office; and

“(2) the term ‘employee’—

“(A) has the meaning given the term in section 2105; and

“(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

“(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

“(1) an act of God;

“(2) a terrorist attack; or

“(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

“(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

“(d) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

“(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

“(2) the proper recording of leave provided under this section.

“(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

“6329c. Weather and safety leave.”

**SEC. 1139. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.**

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS-15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

**SEC. 1140. RECORD OF INVESTIGATION OF PERSONNEL ACTION IN SEPARATED EMPLOYEE'S OFFICIAL PERSONNEL FILE.**

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after section 3321 the following:

“§ 3322. Voluntary separation before resolution of personnel investigation

“(a) With respect to any employee occupying a position in the competitive service or the excepted service who is the subject of a personnel investigation and resigns from Government employment prior to the resolution of such investigation, the head of the agency from which such employee so resigns shall, if an adverse finding was made with respect to such employee pursuant to such investigation, make a permanent notation in the employee's official personnel record file. The head shall make such notation not later than 40 days after the date of the resolution of such investigation.

“(b) Prior to making a permanent notation in an employee's official personnel record file under subsection (a), the head of the agency shall—

“(1) notify the employee in writing within 5 days of the resolution of the investigation and provide such employee a copy of the adverse finding and any supporting documentation;

“(2) provide the employee with a reasonable time, but not less than 30 days, to respond in writing and to furnish affidavits and other documentary evidence to show why the adverse finding was unfounded (a summary of which shall be included in any notation made to the employee's personnel file under subsection (d)); and

“(3) provide a written decision and the specific reasons therefore to the employee at the earliest practicable date.

“(c) An employee is entitled to appeal the decision of the head of the agency to make a permanent notation under subsection (a) to the Merit Systems Protection Board under section 7701.

“(d)(1) If an employee files an appeal with the Merit Systems Protection Board pursuant to subsection (c), the agency head shall make a notation in the employee's official personnel record file indicating that an appeal disputing the notation is pending not later than 2 weeks after the date on which such appeal was filed.

“(2) If the head of the agency is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) from the employee's official personnel record file.

“(3) If the employee is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) and the notation of an adverse finding made under subsection (a) from the employee's official personnel record file.

“(e) In this section, the term ‘personnel investigation’ includes—

“(1) an investigation by an Inspector General; and

“(2) an adverse personnel action as a result of performance, misconduct, or for such cause as will promote the efficiency of the service under chapter 43 or chapter 75.”

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any employee described in section 3322 of title 5, United States Code, (as added by such subsection) who leaves the service after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3321 the following:

“3322. Voluntary separation before resolution of personnel investigation.”

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS***Subtitle A—Assistance and Training*

- Sec. 1201. One-year extension of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1202. Special Defense Acquisition Fund matters.
- Sec. 1203. Codification of authority for support of special operations to combat terrorism.
- Sec. 1204. Independent evaluation of strategic framework for Department of Defense security cooperation.
- Sec. 1205. Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation.

*Subtitle B—Matters Relating to Afghanistan and Pakistan*

- Sec. 1211. Extension and modification of Commanders' Emergency Response Program.
- Sec. 1212. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1213. Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1214. Special immigrant status for certain Afghans.
- Sec. 1215. Modification to semiannual report on enhancing security and stability in Afghanistan.
- Sec. 1216. Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel.
- Sec. 1217. Improvement of oversight of United States Government efforts in Afghanistan.
- Sec. 1218. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

*Subtitle C—Matters Relating to Syria, Iraq, and Iran*

- Sec. 1221. Modification and extension of authority to provide assistance to the vetted Syrian opposition.
- Sec. 1222. Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant.
- Sec. 1223. Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017.
- Sec. 1225. Modification of annual report on military power of Iran.
- Sec. 1226. Quarterly report on confirmed ballistic missile launches from Iran.

*Subtitle D—Matters Relating to the Russian Federation*

- Sec. 1231. Military response options to Russian Federation violation of INF Treaty.
- Sec. 1232. Limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1233. Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises.

- Sec. 1234. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1235. Annual report on military and security developments involving the Russian Federation.
- Sec. 1236. Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements.
- Sec. 1237. Extension and enhancement of Ukraine Security Assistance Initiative.
- Sec. 1238. Reports on INF Treaty and Open Skies Treaty.

*Subtitle E—Reform of Department of Defense Security Cooperation*

- Sec. 1241. Enactment of new chapter for defense security cooperation.
- Sec. 1242. Military-to-military exchanges.
- Sec. 1243. Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation.
- Sec. 1244. Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces.
- Sec. 1245. Transfer and revision of authority to provide operational support to forces of friendly foreign countries.
- Sec. 1246. Department of Defense State Partnership Program.
- Sec. 1247. Transfer of authority on Regional Defense Combating Terrorism Fellowship Program.
- Sec. 1248. Consolidation of authorities for service academy international engagement.
- Sec. 1249. Consolidated annual budget for security cooperation programs and activities of the Department of Defense.
- Sec. 1250. Department of Defense security cooperation workforce development.
- Sec. 1251. Reporting requirements.
- Sec. 1252. Quadrennial review of security sector assistance programs and authorities of the United States Government.
- Sec. 1253. Other conforming amendments and authority for administration.

*Subtitle F—Human Rights Sanctions*

- Sec. 1261. Short title.
- Sec. 1262. Definitions.
- Sec. 1263. Authorization of imposition of sanctions.
- Sec. 1264. Reports to Congress.
- Sec. 1265. Sunset.

*Subtitle G—Miscellaneous Reports*

- Sec. 1271. Modification of annual report on military and security developments involving the People's Republic of China.
- Sec. 1272. Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense.
- Sec. 1273. Strategy for United States defense interests in Africa.
- Sec. 1274. Report on the potential for cooperation between the United States and Israel on directed energy capabilities.
- Sec. 1275. Annual update of Department of Defense Freedom of Navigation Report.
- Sec. 1276. Assessment of proliferation of certain remotely piloted aircraft systems.

*Subtitle H—Other Matters*

- Sec. 1281. Enhancement of interagency support during contingency operations and transition periods.

- Sec. 1282. Two-year extension and modification of authorization of non-conventional assisted recovery capabilities.
- Sec. 1283. Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama.
- Sec. 1284. Sense of Congress on military exchanges between the United States and Taiwan.
- Sec. 1285. Limitation on availability of funds to implement the Arms Trade Treaty.
- Sec. 1286. Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises.
- Sec. 1287. Global Engagement Center.
- Sec. 1288. Modification of United States International Broadcasting Act of 1994.
- Sec. 1289. Redesignation of South China Sea Initiative.
- Sec. 1290. Measures against persons involved in activities that violate arms control treaties or agreements with the United States.
- Sec. 1291. Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations.
- Sec. 1292. Enhancing defense and security cooperation with India.
- Sec. 1293. Coordination of efforts to develop free trade agreements with sub-Saharan African countries.
- Sec. 1294. Extension and expansion of authority to support border security operations of certain foreign countries.
- Sec. 1295. Modification and clarification of United States-Israel anti-tunnel cooperation authority.
- Sec. 1296. Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List.
- Sec. 1297. International sales process improvements.
- Sec. 1298. Efforts to end modern slavery.

**Subtitle A—Assistance and Training****SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.**

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1035), is further amended—

(1) in subsection (a), by striking "fiscal year 2016" and inserting "fiscal year 2017";

(2) in subsection (d), by striking "during the period beginning on October 1, 2015, and ending on December 31, 2016" and inserting "during the period beginning on October 1, 2016, and ending on December 31, 2017"; and

(3) in subsection (e)(1), by striking "December 31, 2016" and inserting "December 31, 2017".

**SEC. 1202. SPECIAL DEFENSE ACQUISITION FUND MATTERS.**

(a) INCREASE IN SIZE.—Effective as of October 1, 2016, paragraph (1) of section 114(c) of title 10, United States Code, is amended by striking "\$1,070,000,000" and inserting "\$2,500,000,000".

(b) LIMITED AVAILABILITY OF CERTAIN AMOUNTS.—Such section is further amended—

(1) in paragraph (2)(A), by striking "limitation in paragraph (1)" and inserting "limitations in paragraphs (1) and (3)"; and

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

“(3) Of the amount available in the Special Defense Acquisition Fund in any fiscal year after fiscal year 2016, \$500,000,000 may be used in such fiscal year only to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of current or future contributions of such forces to overseas contingency operations conducted or supported by the United States.”.

(c) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendments made by this section, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) QUARTERLY SPENDING PLAN.—Not later than 30 days before the beginning of each fiscal year quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for such fiscal year quarter.

(3) ANNUAL UPDATES.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal year.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1241(a)(3) of this Act).

**SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

**“§ 127e. Support of special operations to combat terrorism**

“(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to \$100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

“(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

“(c) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

“(d) NOTIFICATION.—

“(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support for such an operation by \$1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

“(2) ELEMENTS.—A notification required by this subsection shall include the following:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The amount obligated under the authority to provide support.

“(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

“(f) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

“(g) BIENNIAL REPORTS.—

“(1) REPORT ON PRECEDING CALENDAR YEAR.—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding calendar year.

“(2) REPORT ON CURRENT CALENDAR YEAR.—Not later than September 1 each year, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the calendar year in which the report is submitted.

“(3) ELEMENTS.—Each report required by this subsection shall include, for the period covered by such report, the following:

“(A) A summary of the ongoing military operations by United States special operations forces to combat terrorism that were supported or facilitated by foreign forces, irregular forces, groups, or individuals for which support was provided under this section.

“(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United States special operations forces.

“(C) The type of recipients that were provided support under this section, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(D) The total amount obligated for support under this section, including budget details.

“(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

“(F) The intended duration of support provided under this section.

“(G) A description of the support or training provided to the recipients of support under this section.

“(H) A value assessment of the support provided under this section, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support operations by United States special operations forces to combat terrorism.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

“127e. Support of special operations to combat terrorism.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

**SEC. 1204. INDEPENDENT EVALUATION OF STRATEGIC FRAMEWORK FOR DEPARTMENT OF DEFENSE SECURITY COOPERATION.**

(a) EVALUATION REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an evaluation of the implementation of the strategic framework for Department of Defense security cooperation, as directed by section 1202 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1036; 10 U.S.C. 113 note).

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

(A) An evaluation of the Department of Defense’s implementation of each of the required elements of the strategic framework.

(B) An evaluation of the impact of the strategic framework on Department of Defense security cooperation activities, including the extent to which such activities are being planned, prioritized, and executed in accordance with the strategic framework.

(C) Recommendations of areas in which additional guidance, or additional specificity within existing guidance, is necessary to achieve greater alignment between Department of Defense security cooperation activities and the strategic goals and priorities identified within the strategic framework.

(D) Any other matters the entity that conducts the evaluation considers appropriate.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than November 1, 2018, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that includes the evaluation under subsection (a) and any other matters the Secretary considers appropriate.

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

**SEC. 1205. SENSE OF CONGRESS REGARDING AN ASSESSMENT, MONITORING, AND EVALUATION FRAMEWORK FOR SECURITY COOPERATION.**

It is the sense of Congress that—

(1) the Secretary of Defense should develop and maintain an assessment, monitoring, and evaluation framework for security cooperation with foreign countries to ensure accountability and foster implementation of best practices; and

(2) such framework—

(A) should be consistent with interagency approaches and existing best practices;

(B) should be sufficiently resourced and appropriately placed within the Department of Defense to enable the rigorous examination and measurement of security cooperation efforts towards meeting stated objectives and outcomes; and

(C) should be used to inform security cooperation planning, policies, and resource decisions as well as ensure the effectiveness and efficiency of security cooperation efforts.

**Subtitle B—Matters Relating to Afghanistan and Pakistan**

**SEC. 1211. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.**

(a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended—

(1) in subsection (a)—

(A) by striking “During fiscal year 2016” and inserting “During the period beginning on October 1, 2016, and ending on December 31, 2018”;

and

(B) by striking “in such fiscal year” and inserting “in such period”;

(2) in subsection (b), by striking “fiscal year 2016” and inserting “fiscal year 2017 and fiscal year 2018”;

and

(3) in subsection (f), by striking “in fiscal year 2016” and inserting “during the period beginning on October 1, 2016, and ending on December 31, 2018”.

(b) AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS IN AFGHANISTAN, IRAQ, AND SYRIA.—

(1) IN GENERAL.—During the period beginning on October 1, 2016, and ending on December 31, 2018, amounts available pursuant to section 1201

of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for *ex gratia* payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Afghanistan, Iraq, or Syria.

(2) NOTICE.—The Secretary of Defense shall, upon each exercise of the authority in this subsection, submit to the congressional defense committees a report setting forth the following:

(A) The amount that will be used for payments pursuant to this subsection.

(B) The manner in which claims for payments shall be verified.

(C) The officers or officials who shall be authorized to approve claims for payments.

(D) The manner in which payments shall be made.

(3) AUTHORITIES APPLICABLE TO PAYMENT.—Any payment made pursuant to this subsection shall be made in accordance with the authorities and limitations in section 8121 of the Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), other than subsection (h) of such section.

(4) CONSTRUCTION WITH RESTRICTION ON AMOUNT OF PAYMENTS.—For purposes of the application of subsection (e) of such section 1201, as so amended, to any payment pursuant to this subsection, such payment shall be deemed to be a project described by such subsection (e).

**SEC. 1212. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking “December 31, 2016” and inserting “December 31, 2018”.

**SEC. 1213. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.**

(a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

(1) in the subsection heading, by striking “QUARTERLY” and inserting “ANNUAL”; and

(2) in paragraph (1)—

(A) by striking “Not later than 90 days” and all that follows through “in which the authority in subsection (a) is exercised” and inserting “Not later than March 31 of any year following a year in which the authority in subsection (a) is exercised”; and

(B) by striking “during the 90-day period ending on the date of such report” and inserting “during the preceding year”.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking “During fiscal years 2013, 2014, 2015, and 2016” each place it appears and inserting “Through December 31, 2017”.

**SEC. 1214. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.**

(a) ALIENS DESCRIBED.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended to read as follows:

“(I)(aa) by, or on behalf of, the United States Government, in the case of an alien submitting an application for Chief of Mission approval

pursuant to subparagraph (D) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; or

“(bb) by, or on behalf of, the United States Government, in the case of an alien submitting an application for Chief of Mission approval pursuant to subparagraph (D) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, which employment required the alien—

“(AA) to serve as an interpreter or translator for personnel of the Department of State or the United States Agency for International Development in Afghanistan, particularly while traveling away from United States embassies or consulates with such personnel;

“(BB) to serve as an interpreter or translator for United States military personnel in Afghanistan, particularly while traveling off-base with such personnel; or

“(CC) to perform sensitive and trusted activities for the United States Government in Afghanistan; or”.

(b) NUMERICAL LIMITATIONS.—Section 602(b)(3)(F) of such Act is amended—

(1) in the matter preceding clause (i), by striking “7,000” and inserting “8,500”; and

(2) in each of clauses (i) and (ii), by striking “December 31, 2016;” and inserting “December 31, 2020”.

(c) REPORT.—Section 602(b)(14) of such Act is amended—

(1) by striking “Not later than 60 days after the date of the enactment of this paragraph,” and inserting “Not later than December 31, 2016, and annually thereafter through January 31, 2021;” and

(2) in subparagraph (A)(i), by striking “under this section;” and inserting “under subclause (I) or (II)(bb) of paragraph (2)(A)(ii);”.

**SEC. 1215. MODIFICATION TO SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.**

(a) REPORTS REQUIRED.—Subsection (a)(2) of section 1225 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550) is amended by striking “December 15, 2017” and inserting “December 15, 2019”.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section is amended by adding at the end the following:

“(8) AFGHAN PERSONNEL AND PAY SYSTEM.—A description of the status of the implementation of the Afghan Personnel and Pay System (APPS) at the Afghan Ministry of Interior and the Afghan Ministry of Defense for personnel funds provided through the Afghanistan Security Forces Fund, including, with respect to each such Ministry—

“(A) the expected completion date for full implementation of the APPS;

“(B) the extent to which the APPS is being utilized;

“(C) an explanation of any challenges or delays affecting full implementation of the APPS;

“(D) a description of the steps taken to mitigate fraud, waste, and abuse in the disbursement of personnel funds prior to full implementation of the APPS; and

“(E) an estimate of cost savings by reason of full implementation of the APPS.”.

**SEC. 1216. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.**

(a) PROHIBITION.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure program or project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of

such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than \$1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of \$1,000,000 or more, but less than \$20,000,000, by the Commander of the Combined Security Transition Command-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of \$20,000,000 or more, but less than \$40,000,000, by the Commander of United States Forces-Afghanistan.

(D) In the case of a program or project with an estimated lifecycle cost of \$40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.

(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives.

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1) for a program or project described in subparagraph (D) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.

**SEC. 1217. IMPROVEMENT OF OVERSIGHT OF UNITED STATES GOVERNMENT EFFORTS IN AFGHANISTAN.**

(a) REPORT ON IG OVERSIGHT ACTIVITIES IN AFGHANISTAN DURING FISCAL YEAR 2017.—Not later than 60 days after the date of the enactment of this Act, the Lead Inspector General for Operation Freedom’s Sentinel, as designated pursuant to section 8L of the Inspector General Act of 1978 (5 U.S.C. App.), shall, in coordination with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction, submit to the appropriate committees of Congress a report on the oversight activities of United States Inspectors General in Afghanistan planned for fiscal year 2017.

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

(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) A description of the specific professional standards expected to be used to ensure the quality of different types of products issued by the Inspectors General regarding Afghanistan, including periodic reports to Congress and audits of Federal establishments, organizations, programs, activities, and functions.

(7) Any other matters the Lead Inspector General for Operation Freedom's Sentinel considers appropriate.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

**SEC. 1218. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is further amended by striking “fiscal year 2016” and inserting “the period beginning on October 1, 2016, and ending on December 31, 2017.”

(b) MODIFICATION OF AUTHORITIES.—Such section, as so amended, is further amended—

(1) in subsection (a), by striking “the Secretary of Defense may reimburse any key cooperating nation” and all that follows and inserting “the Secretary of Defense may reimburse—

“(1) any key cooperating nation (other than Pakistan) for—

“(A) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and

“(B) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in subparagraph (A); and

“(2) Pakistan for certain activities meant to enhance the security situation in the Afghanistan-Pakistan border region and for counterterrorism.”; and

(2) in subsection (b), by striking “in Iraq or in Operation Enduring Freedom in Afghanistan” and inserting “in Afghanistan, Iraq, or Syria”.

(c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) in the second sentence, by striking “during fiscal year 2016 may not exceed \$1,160,000,000” and inserting “during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed \$1,100,000,000”;

(2) in the third sentence, by striking “fiscal year 2016” and inserting “the period beginning

on October 1, 2016, and ending on December 31, 2017.”; and

(3) by striking the first sentence.

(d) REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—Such section, as so amended, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

“(e) REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—

“(1) ACTIVITIES.—Reimbursement authorized by subsection (a)(2) may be provided for activities as follows:

“(A) Counterterrorism activities, including the following:

“(i) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups, and preventing the establishment of new or additional infrastructure, training areas, and sanctuaries.

“(ii) Direct action against individuals that are involved in or supporting terrorist activities.

“(iii) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of subsection (a)(2).

“(B) Border security activities along the Afghanistan-Pakistan border, including the following:

“(i) Building and maintaining border outposts.

“(ii) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation.

“(iii) Maintaining access to and securing key ground lines of communication.

“(iv) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

“(v) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

“(C) Any activities carried out by the Pakistan military that the Secretary of Defense determines and reports to the appropriate congressional committees have enhanced the security of United States personnel stationed in Afghanistan or enhanced the effectiveness of United States military personnel in conducting counterterrorism operations and training, advising, and assisting the Afghan National Defense and Security Forces.

“(2) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expenditure of funds under the authority in subsection (a)(2), including a description of the following:

“(A) The purpose for which such funds were expended.

“(B) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

“(C) Any limitation imposed on the expenditure of funds under subsection (a)(2), including on any recipient of funds or any use of funds expended.

“(3) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

“(A) IN GENERAL.—The Secretary of Defense shall submit to the appropriate congressional committees, in the manner specified in subparagraph (B), an itemized description of the costs claimed by the Government of Pakistan for activities specified in paragraph (1) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a)(2).

“(B) MANNER OF SUBMITTAL.—

“(i) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by sub-

paragraph (A) not later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

“(ii) FORM.—Each itemized description of costs under clause (i) shall be submitted in an unclassified form, but may include a classified annex.”.

(e) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1212(c) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking “September 30, 2016” and inserting “December 31, 2017”.

(f) EXTENSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1212(d) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking “for fiscal year 2016 or any prior fiscal year” and inserting “for any period prior to December 31, 2017”.

(g) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Of the total amount of reimbursements and support authorized for Pakistan during the period beginning on October 1, 2016, and ending on December 31, 2017, pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), \$400,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations that are contributing to significantly disrupting the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network from using any Pakistani territory as a safe haven;

(3) the Government of Pakistan actively coordinates with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border; and

(4) Pakistan has shown progress in arresting and prosecuting Haqqani Network senior leaders and mid-level operatives.

**Subtitle C—Matters Relating to Syria, Iraq, and Iran**

**SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.**

(a) IN GENERAL.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(b) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section, as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended in paragraph (1) by striking “December 31, 2016” and inserting “December 31, 2018”.

**SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.**

(a) AUTHORITY.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(b) FUNDING.—Subsection (g) of such section, as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1049), is further amended—

(1) by striking the first sentence and inserting the following: “Of the amounts authorized to be appropriated in the National Defense Authorization Act for Fiscal Year 2017 for Overseas Contingency Operations in title XV for fiscal year 2017, there are authorized to be appropriated \$630,000,000 to carry out this section.”; and

(2) by striking the second sentence.

(c) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS BY GOVERNMENT OF IRAQ.—Subsection (1) of such section, as added by section 1223(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1050), is amended in paragraph (1)(A) by striking “National Defense Authorization Act for Fiscal Year 2016” and inserting “National Defense Authorization Act for Fiscal Year 2017, and annually thereafter”.

(d) PROHIBITION ON ASSISTANCE AND REPORT ON EQUIPMENT OR SUPPLIES TRANSFERRED TO OR ACQUIRED BY VIOLENT EXTREMIST ORGANIZATIONS.—Subsection (f) of section 1223 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1050) is amended—

(1) in paragraph (1)—

(A) by striking “, as so amended,”; and

(B) by inserting “(and annually thereafter until December 31, 2018)” after “certifies to the appropriate congressional committees, after the date of the enactment of this Act”; and

(2) in paragraph (2), by striking “, as so amended,”.

**SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1631; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1047), is further amended by striking “fiscal year 2016” and inserting “fiscal year 2017”.

(b) LIMITATION ON AMOUNT.—Subsection (c) of such section is amended—

(1) by striking “fiscal year 2016” and inserting “fiscal year 2017”; and

(2) by striking “\$80,000,000” and inserting “\$70,000,000”.

(c) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking “fiscal year 2016” and inserting “fiscal year 2017”.

**SEC. 1224. LIMITATION ON PROVISION OF MAN-PORTABLE AIR DEFENSE SYSTEMS TO THE VETTED SYRIAN OPPOSITION DURING FISCAL YEAR 2017.**

(a) NOTICE AND WAIT.—If a determination is made during fiscal year 2017 to use funds available to the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition pursuant to the authority in section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541), such funds may not be used for that purpose until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees a report on the determination; and

(2) 30 days elapses after the date of the submittal of such report to the appropriate congressional committees.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) A description of each element of the vetted Syrian opposition that will provided man-port-

able air defense systems as described in subsection (a), including—

(A) the geographic location of such element;

(B) a detailed intelligence assessment of such element;

(C) a description of the alignment of such element within the broader conflict in Syria; and

(D) a description and assessment of the assurance, if any, received by the commander of such element in connection with the provision of man-portable air defense systems.

(2) The number and type of man-portable air defense systems to be so provided.

(3) The logistics plan for providing and resupplying each element to be so provided man-portable air defense systems with additional man-portable air defense systems.

(4) The duration of support to be provided in connection with the provision of man-portable air defense systems.

(5) The justification for the provision of man-portable air defense systems to each element of the vetted Syrian opposition, including an explanation of the purpose and expected employment of such systems.

(6) Any other matters that the Secretary of Defense and the Secretary of State jointly consider appropriate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” has the meaning given that term in section 1209(e)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

**SEC. 1225. MODIFICATION OF ANNUAL REPORT ON MILITARY POWER OF IRAN.**

(a) IN GENERAL.—Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended by striking subparagraph (F) and inserting the following new subparagraph (F):

“(F) Iran’s cyber capabilities, including—

“(i) Iran’s ability to use proxies and other actors to mask its cyber operations;

“(ii) Iran’s ability to target United States governmental and nongovernmental entities and activities; and

“(iii) cooperation with or assistance from state and non-state actors in support or enhancement of Iran’s cyber capabilities.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 on or after that date.

**SEC. 1226. QUARTERLY REPORT ON CONFIRMED BALLISTIC MISSILE LAUNCHES FROM IRAN.**

(a) QUARTERLY REPORT ON CONFIRMED LAUNCHES.—Not later than the last day of the first fiscal year quarter beginning after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the appropriate committees of Congress a report describing any confirmed ballistic missile launch by Iran during the previous calendar quarter.

(b) QUARTERLY REPORT ON IMPOSITION OF SANCTIONS IN CONNECTION WITH LAUNCHES.—Not later than the last day of the second fiscal year quarter beginning after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Treasury shall jointly submit to the appropriate committees of Congress a report setting forth a description of the following:

(1) The efforts, if any, to impose unilateral sanctions against appropriate entities or individuals in connection with a confirmed ballistic missile launch from Iran.

(2) The diplomatic efforts, if any, to impose multilateral sanctions against appropriate entities or individuals in connection with such a confirmed ballistic missile launch.

(3) Any other matters the Secretaries consider appropriate.

(c) CONCURRENT SUBMITTAL OF QUARTERLY REPORTS.—The report on a calendar quarter under subsection (a) shall be submitted concurrently with the report on the calendar quarter under subsection (b).

(d) FORM.—Each report under this section shall, to the extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) SUNSET.—No report is required under this section after December 31, 2019.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

**Subtitle D—Matters Relating to the Russian Federation**

**SEC. 1231. MILITARY RESPONSE OPTIONS TO RUSSIAN FEDERATION VIOLATION OF INF TREATY.**

An amount equal to \$10,000,000 of the amount authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2017 to provide support services to the Executive Office of the President shall be withheld from obligation or expenditure until the Secretary of Defense completes the meaningful development of the military capabilities described in paragraph (1) of section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1062), as required to be addressed in the plan under that paragraph, in accordance with the requirements described in paragraph (3) of such section.

**SEC. 1232. LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.**

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense may be used for any bilateral military-to-military cooperation between the Governments of the United States and the Russian Federation until the Secretary of Defense, in coordination with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the Russian Federation has ceased its occupation of Ukrainian territory and its aggressive activities that threaten the sovereignty and territorial integrity of Ukraine and members of the North Atlantic Treaty Organization; and

(2) the Russian Federation is abiding by the terms of and taking steps in support of the Minsk Protocols regarding a ceasefire in eastern Ukraine.

(b) NONAPPLICABILITY.—The limitation in subsection (a) shall not apply to—

(1) any activities necessary to ensure the compliance of the United States with its obligations or the exercise of rights of the United States under any bilateral or multilateral arms control or nonproliferation agreement or any other treaty obligation of the United States; and

(2) any activities required to provide logistical or other support to the conduct of United States or North Atlantic Treaty Organization military operations in Afghanistan or the withdrawal from Afghanistan.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary of Defense, in coordination with the Secretary of State—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees—

(A) a notification that the waiver is in the national security interest of the United States and

a description of the national security interest covered by the waiver; and

(B) a report explaining why the Secretary of Defense cannot make the certification under subsection (a).

(d) **EXCEPTION FOR CERTAIN MILITARY BASES.**—The certification requirement specified in paragraph (1) of subsection (a) shall not apply to military bases of the Russian Federation in Ukraine's Crimean peninsula operating in accordance with its 1997 agreement on the Status and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1233. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.**

(a) **FORCES ELIGIBLE FOR TRAINING.**—Subsection (a) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note) is amended by striking “national military forces” and inserting “national security forces”.

(b) **ADDITIONAL SOURCE OF FUNDING.**—Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

“(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available for additional activities for the European Deterrence Initiative for that fiscal year.”.

(c) **ONE-YEAR EXTENSION.**—Subsection (h) of such section is amended—

(1) by striking “September 30, 2017” and inserting “September 30, 2018”; and

(2) by striking “through 2017” and inserting “through 2018”.

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

**“SEC. 1251. TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.”.**

**SEC. 1234. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) **WAIVER.**—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notification of the waiver at the time the waiver is invoked.

**SEC. 1235. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.**

(a) **ADDITIONAL MATTERS TO BE INCLUDED IN REPORT.**—Subsection (b) of section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as amended by section 1248 of the National De-

fense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is further amended—

(1) by redesignating paragraphs (10) through (18) as paragraphs (12) through (20), respectively;

(2) by inserting after paragraph (9) the following new paragraphs:

“(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.

“(11) A summary of all Russian foreign military deployments, as of the date that is one month before the date of submission of the report, including for each deployment the estimated number of forces deployed, the types of capabilities deployed (including any advanced weapons), the length of deployment as of such date, and, if known, any basing agreement with the host nation.”;

(3) by striking paragraph (14), as redesignated by paragraph (1) of this subsection, and inserting the following new paragraph:

“(14) An analysis of the nuclear strategy and associated doctrine of Russia and of the capabilities, range, and readiness of all Russian nuclear systems and delivery methods.”; and

(4) in paragraph (18)(B), as redesignated by paragraph (1) of this subsection, by striking “day before the date of submission of the report” and inserting “date that is one month before the date of submission of the report”.

(b) **PUBLISHING REQUIREMENT.**—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

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

“(d) **PUBLISHING REQUIREMENT.**—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the website of the Department of Defense.”.

(c) **SUNSET.**—Subsection (g) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking “June 1, 2018” and inserting “January 31, 2021”.

**SEC. 1236. LIMITATION ON USE OF FUNDS TO VOTE TO APPROVE OR OTHERWISE ADOPT ANY IMPLEMENTING DECISION OF THE OPEN SKIES CONSULTATIVE COMMISSION AND RELATED REQUIREMENTS.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 or any subsequent fiscal year may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission pursuant to Article X of the Open Skies Treaty to authorize approval of requests by state parties to the Treaty to certify infra-red or synthetic aperture radar sensors pursuant to Article IV of the Treaty unless and until the Secretary of Defense, jointly with the relevant United States Government officials, submits to the appropriate congressional committees the following:

(1) A certification that the implementing decision would not be detrimental or otherwise harmful to the national security of the United States.

(2) A report on the Open Skies Treaty that includes the following:

(A) The annual costs to the United States associated with countermeasures to combat potential abuses of observation flights by the Russian Federation carried out under the Treaty over European and United States territories involving infra-red or synthetic aperture radar sensors.

(B) A plan, and its estimated comparative cost, to replace the Treaty architecture with a more robust sharing of overhead commercial im-

agery, consistent with United States national security, with covered state parties, excluding the Russian Federation.

(C) An evaluation by the Director of National Intelligence of matters concerning how an observation flight described in subparagraph (A) could implicate intelligence activities of the Russian Federation in the United States and United States counterintelligence activities and vulnerabilities.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation's overall collection posture.

(b) **CERTIFICATION.**—Not later than 90 days before the date on which the United States votes to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission as described in subsection (a), the Secretary of State shall—

(1) submit to the appropriate congressional committees a certification that—

(A) the Russian Federation—

(i) is not taking any actions that are inconsistent with the terms of the Open Skies Treaty; and

(ii) is not exceeding the imagery limits set forth in the Treaty; and

(iii) is allowing observation flights by covered state parties over all of Moscow, Chechnya, Kaliningrad and within 10 kilometers of its border with Georgia's occupied territories of Abkhazia and South Ossetia without restriction and without inconsistency to requirements under the Treaty; and

(B) covered state parties have been notified and briefed on concerns of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) regarding infra-red or synthetic aperture radar sensors used under the Open Skies Treaty; or

(2) if the Secretary of State is unable to make a certification under paragraph (1), submit to the appropriate congressional committees a report that contains the reasons why the Secretary cannot make such certification and a justification why it is in the national interest of the United States to vote to approve or otherwise adopt such implementing decision.

(c) **QUARTERLY REPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense, jointly with the Secretary of Energy, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall submit to the appropriate congressional committees on a quarterly basis a report on all observation flights by the Russian Federation over the United States during the preceding calendar quarter.

(2) **CONTENTS.**—The report required under paragraph (1) shall include the following with respect to each such observation flight:

(A) A description of the flight path.

(B) An analysis of whether and the extent to which any United States critical infrastructure was the subject of image capture activities of such observation flight.

(C) An estimate for the mitigation costs imposed on the Department of Defense or other United States Government agencies by such observation flight.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation's overall collection posture.

(3) **SUNSET.**—The requirements of this subsection shall terminate 5 years after the date of the enactment of this Act.

(d) **ADDITIONAL LIMITATION.**—

(1) **IN GENERAL.**—Not more than 65 percent of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the requirements described in paragraph (2) are met.

(2) **REQUIREMENTS DESCRIBED.**—The requirements described in this paragraph are the following:

(A) The Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency jointly submit to the appropriate congressional committees a report on the following:

(i) Whether it is possible, consistent with United States national security interests, to provide enhanced access to United States commercial imagery or other United States capabilities, consistent with the protection of sources and methods and United States national security, to covered state parties that is qualitatively similar to that derived by observation flights over the territory of the United States or over the territory of a covered state party under the Open Skies Treaty, on a more timely basis.

(ii) What the cost would be to provide enhanced access to such commercial imagery or other capabilities as compared to the current imagery sharing through the Treaty.

(iii) Whether any new agreements would be needed to provide enhanced access to such commercial imagery or other capabilities and what would be required to obtain such agreements.

(iv) Whether transitioning to such commercial imagery or other capabilities from the current imagery sharing through the Treaty would reduce opportunities by the Russian Federation to exceed imagery limits and reduce utility for Russian intelligence collection against the United States or covered state parties.

(v) How such commercial imagery or other capabilities would compare to the current imagery sharing through the Treaty.

(B) The Secretary of State, in consultation with the Director of the National Geospatial Intelligence Agency and the Secretary of Defense, submits to the appropriate congressional committees a report that—

(i) details the costs for implementation of the Open Skies Treaty, including—

(I) mitigation costs relating to national security; and

(II) aircraft, sensors, and related overhead and implementation costs for covered state parties; and

(ii) describes the impact on contributions and participation by covered state parties and relationships among covered state parties in the context of the Open Skies Treaty, the North Atlantic Treaty Organization, and any other venues for United States partnership dialogue and activity.

(e) FORM.—Each certification, report, and notice required under this section shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term “covered state party” means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) INFRA-RED OR SYNTHETIC APERTURE RADAR SENSOR.—The term “infra-red or synthetic aperture radar sensor” means a sensor that is classified as—

(A) an infra-red line-scanning device under category C of paragraph I of Article IV of the Open Skies Treaty; or

(B) a sideways-looking synthetic aperture radar under category D of paragraph I of Article IV of the Open Skies Treaty.

(4) OBSERVATION FLIGHT.—The term “observation flight” has the meaning given such term in Article II of the Open Skies Treaty.

(5) OPEN SKIES TREATY; TREATY.—The term “Open Skies Treaty” or “Treaty” means the

Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(6) RELEVANT UNITED STATES GOVERNMENT OFFICIALS.—The term “relevant United States Government officials” means the following:

(A) The Secretary of Energy.

(B) The Secretary of Homeland Security.

(C) The Director of the Federal Bureau of Investigation.

(D) The Director of National Intelligence.

(E) The Commander of U.S. Strategic Command and the Commander of U.S. Northern Command in the case of an observation flight over the territory of the United States.

(F) The Commander of U.S. European Command in the case of an observation flight other than an observation flight described in subparagraph (E).

(7) SENSOR.—The term “sensor” has the meaning given such term in Article II of the Open Skies Treaty.

**SEC. 1237. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.**

(a) FUNDING.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking “Of the amounts” and all that follows through “shall be available to” and inserting “Amounts available for a fiscal year under subsection (f) shall be available to”;

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) FUNDING.—From amounts authorized to be appropriated for the fiscal year concerned for the Department of Defense for overseas contingency operations, up to the following shall be available for purposes of subsection (a):

“(1) For fiscal year 2016, \$300,000,000.

“(2) For fiscal year 2017, \$350,000,000.”.

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

“(10) Equipment and technical assistance to the State Border Guard Service of Ukraine for the purpose of developing a comprehensive border surveillance network for Ukraine.

“(11) Training for staff officers and senior leadership of the military.”.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

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

“(1) ASSISTANCE FOR UKRAINE.—Not more than \$175,000,000 of the funds available for fiscal year 2017 pursuant to subsection (f)(2) may be used for purposes of subsection (a) until the certification described in paragraph (2) is made.

“(2) CERTIFICATION.—The certification described in this paragraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms, in such areas as civilian control of the military, cooperation and coordination with Verkhovna Rada efforts to exercise oversight of the Ministry of Defense and military forces, increased transparency and accountability in defense procurement, and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector, for purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by assistance under subsection (a). The certification shall include an assessment of the substantial actions taken to make such defense institutional reforms and the areas in which additional action is needed.”;

(2) in paragraph (3), by striking the matter preceding subparagraph (A) and inserting the following:

“(3) OTHER PURPOSES.—If in fiscal year 2017 funds are not available for purposes of sub-

section (a) by reason of the lack of a certification described in paragraph (2), such funds may be used in that fiscal year for the purposes as follows, with not more than \$100,000,000 available for the purposes as follows for any particular country:”; and

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

“(4) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support under paragraph (3), the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

“(A) The recipient foreign country.

“(B) A detailed description of the assistance or support to be provided, including—

“(i) the objectives of such assistance or support;

“(ii) the budget for such assistance or support; and

“(iii) the expected or estimated timeline for delivery of such assistance or support.

“(C) Such other matters as the Secretary considers appropriate.”.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—Such section is further amended by inserting after subsection (f), as amended by subsection (a)(3) of this section, the following new subsection (g):

“(g) CONSTRUCTION WITH OTHER AUTHORITY.—The authority to provide assistance and support pursuant to subsection (a), and the authority to provide assistance and support under subsection (c), is in addition to authority to provide assistance and support under title 10, United States Code, the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law.”.

(e) EXTENSION.—Subsection (h) of such section, as redesignated by subsection (a)(2) of this section, is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(f) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016, is further amended by striking “December 31, 2017” and inserting “January 31, 2021”.

**SEC. 1238. REPORTS ON INF TREATY AND OPEN SKIES TREATY.**

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees the following reports:

(1) A report on the Open Skies Treaty containing—

(A) an assessment, conducted by the Chairman jointly with the Secretary of Defense and the Secretary of State, of whether and why the Treaty remains in the national security interest of the United States, including if there are compliance concerns related to implementation of the Treaty by the Russian Federation;

(B) a specific plan by the Chairman jointly with the Secretary of Defense and the Secretary of State on remedying any such compliance concerns; and

(C) a military assessment conducted by the Chairman of such compliance concerns.

(2) A report on the INF Treaty containing—

(A) an assessment, conducted by the Chairman jointly with the Secretary of Defense and the Secretary of State, of whether and why the Treaty remains in the national security interest of the United States, including how any ongoing violations bear on the assessment if such a violation is not resolved in the near-term;

(B) a specific plan by the Chairman jointly with the Secretary of Defense and the Secretary of State to remedy violation of the Treaty by the Russian Federation, and a judgment of whether

the Russian Federation intends to take the steps required to establish verifiable evidence that the Russian Federation has resumed its compliance with the Treaty if such non-compliance and inconsistencies are not resolved by the date of the enactment of this Act; and

(C) a military assessment conducted by the Chairman of the risks posed by violation of the Treaty by the Russian Federation.

(b) UPDATE.—Not later than February 15, 2018, the Chairman, the Secretary of Defense, and the Secretary of State shall jointly submit to the appropriate congressional committees an update to each report under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(2) The term “INF Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the “Intermediate-Range Nuclear Forces (INF) Treaty”, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(3) The term “Open Skies Treaty” means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

**Subtitle E—Reform of Department of Defense Security Cooperation**

**SEC. 1241. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY COOPERATION.**

(a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and 18 as chapters 12, 13, 14, and 15, respectively;

(2) by redesignating sections 261, 311, 312, 331, 332, 333, 334, 335, 351, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 (as added by section 1011 of this Act) as sections 241, 246, 247, 251, 252, 253, 254, 255, 261, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 284, respectively; and

(3) by inserting after chapter 15, as redesignated by paragraph (1), the following new chapter:

**“CHAPTER 16—SECURITY COOPERATION**

“Subchapter	Sec.
<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>

**“SUBCHAPTER I—GENERAL MATTERS**

“Sec.

“301. Definitions.

**“§301. Definitions**

“In this chapter:

“(1) The terms ‘appropriate congressional committees’ and ‘appropriate committees of Congress’ mean—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

“(2) The term ‘defense article’ has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

“(3) The term ‘defense service’ has the meaning given that term in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

“(4) The term ‘developing country’ has the meaning prescribed by the Secretary of Defense for purposes of this chapter in accordance with section 1241(n) of the National Defense Authorization Act for Fiscal Year 2017.

“(5) The term ‘incremental expenses’, with respect to a foreign country—

“(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country’s participation in activities authorized by this chapter; and

“(B) does not include—

“(i) any form of lethal assistance (excluding training ammunition); or

“(ii) pay, allowances, and other normal costs of the personnel of the country.

“(6) The term ‘national security forces’, in the case of a foreign country, means the following:

“(A) National military and national-level security forces of the foreign country that have the functional responsibilities for which training is authorized in section 333(a) of this title.

“(B) With respect to operations referred to in section 333(a)(2) of this title, military and civilian first responders of the foreign country at the national or local level that have such operations among their functional responsibilities.

“(7) The term ‘security cooperation programs and activities of the Department of Defense’ means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

“(A) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

“(B) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

“(C) To build relationships that promote specific United States security interests.

“(8) The term ‘small-scale construction’ means construction at a cost not to exceed \$750,000 for any project.

“(9) The term ‘training’ has the meaning given the term ‘military education and training’ in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

**“SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS**

“Sec.

“311. Exchange of defense personnel between United States and friendly foreign countries: authority.

“312. Payment of personnel expenses necessary for theater security cooperation.

“313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

**“SUBCHAPTER III—TRAINING WITH FOREIGN FORCES**

“Sec.

“321. Training with friendly foreign countries: payment of training and exercise expenses.

“322. Special operations forces: training with friendly foreign forces.

**“SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING**

“Sec.

“331. Friendly foreign countries: authority to provide support for conduct of operations.

“332. Friendly foreign countries; international and regional organizations: defense institution capacity building.

“333. Foreign security forces: authority to build capacity.

**“SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES**

“Sec.

“341. Department of Defense State Partnership Program.

“342. Regional centers for security studies.

“343. Western Hemisphere Institute for Security Cooperation.

“344. Participation in multinational military centers of excellence.

“345. Regional Defense Combating Terrorism 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 Forces Academy.

“350. Inter-European Air Forces Academy.

**“SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS**

“Sec.

“361. Prohibition on providing financial assistance to terrorist countries.

“362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

**“SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS**

“Sec.

“381. Consolidated budget.

“382. Execution and administration of programs and activities.

“383. Assessment, monitoring, and evaluation of programs and activities.

“384. Department of Defense security cooperation workforce development.

“385. Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives.

“386. Annual report.”.

(b) TRANSFER OF SECTION 1051B.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) CODIFICATION OF SECTION 1081 OF FY 2012 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:

**“§332. Friendly foreign countries; international and regional organizations: defense institution capacity building”; and**

(B) a text consisting of the text of subsections (a), (b), and (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING AMENDMENT.—Section 332 of title 10, United States Code, as so amended, is further amended by redesignating subsection (d) as subsection (c).

(3) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

**“§333. Foreign security forces: authority to build capacity**

“(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

“(1) Counterterrorism operations.

“(2) Counter-weapons of mass destruction operations.

“(3) Counter-illicit drug trafficking operations.

“(4) Counter-transnational organized crime operations.

“(5) Maritime and border security operations.

“(6) Military intelligence operations.

“(7) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

“(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

“(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct or support any program authorized by subsection (a).

“(2) JOINT DEVELOPMENT AND PLANNING OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall jointly develop and plan any program carried out pursuant to subsection (a).

“(3) IMPLEMENTATION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall coordinate the implementation of any program under subsection (a). The Secretary of Defense and the Secretary of State shall each designate an individual responsible for program coordination under this paragraph at the lowest appropriate level in the Department concerned.

“(4) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

“(c) TYPES OF CAPACITY BUILDING.—

“(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

“(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

“(A) Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, and the rule of law.

“(B) Respect for civilian control of the military.

“(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict, as applicable, to such national security forces.

“(4) INSTITUTIONAL CAPACITY BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of institutional capacity building with appropriate institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of institutional capacity building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

“(d) LIMITATIONS.—

“(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

“(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF

HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

“(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 2015 or 2016, for a period in excess of five years unless the notice on the program pursuant to subsection (e) includes the information specified in paragraph (7) of subsection (e).

“(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

“(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

“(2) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program.

“(3) The cost, implementation timeline, and delivery schedule for assistance under the program.

“(4) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

“(5) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

“(6) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that will be advanced by the program.

“(7) In the case of a program described in subsection (d)(3), each of the following:

“(A) A written justification that the provision of sustainment support described in that subsection for a period in excess of five years will enhance the security interest of the United States.

“(B) To the extent practicable, a plan to transition such sustainment support from funding through the Department to funding through another security sector assistance program of the United States Government or funding through partner nations.

“(f) QUARTERLY MONITORING REPORTS.—The Director of the Defense Security Cooperation Agency shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

“(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, supplies (including consumables), and small-scale construction under programs under subsection (a).

“(2) Information on the timeliness of delivery of defense articles, defense services, supplies (including consumables), and small-scale construction when compared with delivery schedules for such articles, services, supplies, and construction previously provided to Congress.

“(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

“(g) FUNDING.—

“(1) SOLE SOURCE OF FUNDS.—Amounts for programs carried out pursuant to subsection (a)

in a fiscal year, and for other purposes in connection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.

“(2) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—

“(A) IN GENERAL.—Amounts available in a fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in such fiscal year and end not later than the end of the second fiscal year thereafter.

“(B) ACHIEVEMENT OF FULL OPERATIONAL CAPACITY.—If, in accordance with subparagraph (A), equipment or training is delivered under a program under the authority in subsection (a) in the fiscal year after the fiscal year in which the program begins, amounts for defense articles, training, defense services, supplies (including consumables), and small-scale construction associated with such equipment or training and necessary to ensure that the recipient unit achieves full operational capability for such equipment or training may be used in the fiscal year in which the foreign country takes receipt of such equipment and in the next two fiscal years.”

(2) FUNDING FOR FISCAL YEAR 2017.—Amounts may be available for fiscal year 2017 for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as added by paragraph (1), as follows:

(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1407 for Drug Interdiction and Counter-Drug Activities, Defense-Wide, as specified in the funding table in section 4501.

(C) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for the Defense Security Cooperation Agency for such programs and purposes as specified in the funding table in section 4302.

(D) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for the Counter Islamic State of Iraq and the Levant Fund as specified in the funding table in section 4302, which amounts may be available for such programs and other purposes with respect to a country other than Iraq or Syria if—

(i) such programs and other purposes are for the purpose of countering the Islamic State of Iraq and the Levant; and

(ii) notice on the use of such amounts for such programs and other purposes is provided to Congress in accordance with subsection (e) of section 333 of title 10, United States Code, as so added.

(E) Amounts authorized to be appropriated by section 1507 for Drug Interdiction and Counter-Drug Activities, Defense-Wide, for overseas contingency operations as specified in the funding table in section 4502 or 4503.

(F) Amounts available for fiscal years before fiscal year 2017 for the Counterterrorism Partnerships Fund that remain available for obligation in fiscal year 2017.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes until the guidance required by paragraph (4) is submitted to the congressional defense committees as required by paragraph (4).

(4) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, initial policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added. Not later than 270 days after the date of the enactment of this Act, the Secretary shall prescribe, and submit to the congressional defense committees, final policy guidance on roles, responsibilities, and processes in connection with such programs and activities.

(5) **CONFORMING REPEALS.**—Effective as of the date that is 270 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66):

(i) Section 1204 (127 Stat. 896; 10 U.S.C. 401 note).

(ii) Section 1207 (127 Stat. 902; 22 U.S.C. 2151 note).

(C) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881).

(6) **CLERICAL AMENDMENT.**—Effective as of the date that is 270 days after the date of the enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code, is amended by striking the item relating to section 2282.

(e) **TRANSFER AND MODIFICATION OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.**—

(1) **TRANSFER AND REDESIGNATION.**—Section 184 of title 10, United States Code, is transferred to chapter 16 of such title as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter V of such chapter, and redesignated as section 342.

(2) **MODIFICATION OF AUTHORITIES AND CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.**—Section 342 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (a), by striking “and exchange of ideas” and inserting “exchange of ideas, and training”;

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking “and exchange of ideas” and inserting “exchange of ideas, and training”; and

(ii) in paragraph (3), by striking “, except as specifically provided by law after October 17, 2006”;

(C) in subsection (c), by adding at the end the following new sentence: “The regulations shall prioritize within the respective areas of focus of each Regional Center the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.”; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting “(A)” after “(3)”;

(II) in subparagraph (A), as so designated, by striking “civilian government officials” and inserting “personnel”; and

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

“(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interest of the United States.

“(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed \$1,000,000.”; and

(ii) in paragraph (5), by striking “under the Latin American cooperation authority” and all that follows and inserting “under section 312 of this title are also available for the costs of the operation of the Regional Centers.”.

(3) **CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.**—Such section 342, as so transferred and redesignated, is further amended by adding at the end the following new subsections:

“(h) **AUTHORITIES SPECIFIC TO MARSHALL CENTER.**—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the “Marshall Center”) if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

“(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

“(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

“(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

“(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

“(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

“(i) **AUTHORITIES SPECIFIC TO INOUE CENTER.**—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

“(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.”.

(4) **ANNUAL REVIEW OF PROGRAM STRUCTURE AND PROGRAMS OF CENTERS.**—Such section 342, as amended by this subsection, is further amended by adding at the end the following new subsection:

“(j) **ANNUAL REVIEW OF PROGRAM STRUCTURE AND PROGRAMS OF CENTERS.**—(1) The Secretary shall on an annual basis review the program and structure of each Regional Center in order to determine whether such Regional Center is appropriately aligned with the strategic priorities of the Department of Defense and the applicable geographic combatant commands.

“(2) The Secretary may revise the program, structure, or both of a Regional Center following an annual review under paragraph (1) in order to more appropriately align the Regional Center with strategic priorities and the geographic combatant commands as described in that paragraph.”.

(5) **REPEAL OF CODIFIED PROVISIONS.**—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 184 note).

(B) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 113 note).

(C) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2892).

(D) Section 8073 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 10 U.S.C. prec. 2161 note).

(f) **TRANSFER OF SECTION 2166.**—

(1) **TRANSFER AND REDESIGNATION.**—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) **CONFORMING STYLISTIC AMENDMENTS.**—Such section 343, as so transferred and redesignated, is amended by striking “nations” each place it appears in subsections (b) and (c) and inserting “countries”.

(g) **TRANSFER OF SECTION 2350M.**—

(1) **TRANSFER AND REDESIGNATION.**—Section 2350m of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(2) **CONFORMING AMENDMENTS.**—Such section 344, as so transferred and redesignated, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(h) **TRANSFER OF SECTION 2249D.**—

(1) **TRANSFER AND REDESIGNATION.**—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and redesignated by subsection (g), and redesignated as section 346.

(2) **CONFORMING AND STYLISTIC AMENDMENTS.**—Such section 346, as so transferred and redesignated, is amended—

(A) by striking “nations” in subsections (a) and (d) and inserting “countries”; and

(B) by striking subsections (f) and (g).

(i) **REENACTMENT OF CHAPTER 905.**—

(1) **CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.**—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

#### “§348. Aviation Leadership Program

“(a) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

“(b) **SUPPLIES AND CLOTHING.**—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

“(A) transportation incident to the training;

“(B) supplies and equipment to be used during the training;

“(C) flight clothing and other special clothing required for the training; and

“(D) billeting, food, and health services.

“(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

“(c) **ALLOWANCES.**—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.”.

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and redesignated as section 349.

(2) CONFORMING AMENDMENT FOR STANDARDIZATION WITH CERTAIN OTHER AIR FORCES ACADEMY AUTHORITY.—Such section 349, as so transferred and amended, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) LIMITATIONS.—

“(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training under this section only with the concurrence of the Secretary of State.

“(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.”.

(k) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 349, as transferred and redesignated by subsection (j), a new section 350 consisting of—

(A) a heading as follows:

“**§350. Inter-European Air Forces Academy**”; and

(B) a text consisting of the text of subsections (a) through (f) of section 1268 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3585; 10 U.S.C. 9411 note).

(2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(l) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.—Section 362 of such title, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) ADMINISTRATIVE MATTERS.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

“**§382. Execution and administration of programs and activities**

“(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Under Secretary of Defense or below.

“(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

“(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

“(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force, combatant command, Defense Agency, Department of Defense Field Activity, or other element or organization of the Department of Defense to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

“(c) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to implement security cooperation programs and activities of the Department of Defense authorized by this chapter.

“(2) BUDGET JUSTIFICATION.—Funds necessary for implementing security cooperation programs and activities of the Department of Defense under this chapter for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

“**§383. Assessment, monitoring, and evaluation of programs and activities**

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

“(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

“(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

“(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

“(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

“(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

“(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

“(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

“(c) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the program required by subsection (a).

“(2) BUDGET JUSTIFICATION.—Funds described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

“(d) REPORTS.—

“(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

“(A) A description of the activities under the program.

“(B) An evaluation of the lessons learned and best practices identified through activities under the program.

“(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interest of the United States or the foreign country or countries covered by such evaluation.

“**§385. Department of Defense support for other departments and agencies of the United States Government that advance Department of Defense security cooperation objectives**

“(a) SUPPORT AUTHORIZED.—Subject to subsection (c), the Secretary of Defense is authorized to support other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities described in subsection (b) that advance security cooperation objectives of the Department of Defense.

“(b) FOREIGN ASSISTANCE PROGRAMS AND ACTIVITIES.—The foreign assistance programs and activities described in this subsection are foreign assistance programs and activities that—

“(1) are necessary for the effectiveness of one or more programs of the Department of Defense relating to security cooperation conducted pursuant to an authority in this chapter; and

“(2) cannot be carried out by the Department.

“(c) ANNUAL LIMITATION ON AMOUNT OF SUPPORT.—The amount of support provided pursuant to subsection (a) in any fiscal year may not exceed \$75,000,000.

“(d) NOTICE AND WAIT.—If a determination is made to transfer funds in connection with the provision of support pursuant to subsection (a) for a program or activity, the transfer may not occur until—

“(1) the Secretary and the head of the department or agency to receive the funds jointly submit to the congressional defense committees a notice on the transfer, which notice shall include—

“(A) a detailed description of the purpose and estimated cost of such program or activity;

“(B) a detailed description of the security cooperation objectives of the Department, include the theater campaign plan of the combatant command concerned, that will be advanced;

“(C) a justification why such program or activity will advance such objectives;

“(D) a justification why such program or activity cannot be carried out by the Department;

“(E) an identification of any funds programmed or obligated by the department or agency other than the Department on such program or activity; and

“(F) a timeline for the provision of such support; and

“(2) a period of 30 days elapses after the date of the submittal of the notice pursuant to paragraph (1).”.

(n) PRESCRIPTION OF TERM “DEVELOPING COUNTRY”.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe the meaning of the term “developing country” for purposes of chapter 16 of title 10, United States Code, as added by subsection (a)(3), and may from time to time prescribe a revision to the meaning of that term for those purposes.

(2) INITIAL PRESCRIPTION.—The Secretary shall first prescribe the meaning of the term by not later than 270 days after the date of the enactment of this Act.

(3) NOTICE TO CONGRESS.—Whenever the Secretary prescribes the meaning of the term pursuant to paragraph (1), the Secretary shall notify the appropriate committees of Congress of the meaning of the term as so prescribed.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” has the meaning

given that term in section 301(1) of title 10, United States Code, as so added.

(o) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

**“16. Security Cooperation ..... 301”.**

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.

(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

**SEC. 1242. MILITARY-TO-MILITARY EXCHANGES.**

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter II a new section 311 consisting of—

(1) a heading as follows:

**“§311. Exchange of defense personnel between United States and friendly foreign countries: authority”; and**

(2) a text consisting of the text of section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(b) REVISIONS TO INCORPORATE PERMANENT NONRECIPROCAL EXCHANGE AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following new sentence: “Any exchange of personnel under such an agreement is subject to paragraph (3).”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “an ally of the United States or another friendly foreign country for the exchange” and inserting “a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange”;

(ii) in subparagraph (A), by striking “military” and inserting “members of the armed forces”;

(iii) in subparagraph (B)—

(I) by inserting “or security” after “defense”;

and

(II) by inserting before the period at the end the following: “or international or regional security organization”;

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

“(3) An exchange of personnel under an international defense personnel exchange agreement under this section may only be made with the concurrence of the Secretary to State to the extent the exchange is with either of the following:

“(A) A non-defense security ministry of a foreign government.

“(B) An international or regional security organization.”;

(2) in subsection (b)(2), by inserting before the period at the end the following: “, subject to the concurrence of the Secretary of State”;

(3) in subsection (c)—

(A) by striking “Each government shall be required under” and inserting “In the case of”;

and

(B) by inserting after “exchange agreement” the following: “that provides for reciprocal exchanges, each government shall be required”;

and

(4) in subsection (f), by inserting “defense or security ministry of that” after “military personnel of the”.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(2) Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 168 note).

**SEC. 1243. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.**

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 311, as added by section 1242(a) of this Act, the following new section:

**“§312. Payment of personnel expenses necessary for theater security cooperation**

“(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

“(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

“(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for theater security cooperation:

“(A) Defense personnel of friendly foreign governments.

“(B) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and non-governmental personnel.

“(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary of Defense may provide administrative services and support for the performance of duties by a liaison officer of a foreign country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

“(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary of Defense may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

“(A) Travel and subsistence expenses.

“(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

“(C) Expenses for medical care at a civilian medical facility if—

“(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

“(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

“(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

“(D) Mission-related travel expenses if such travel meets each of the following conditions:

“(i) The travel is in support of the national security interests of the United States.

“(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

“(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

“(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary of Defense may pay such other limited expenses in connection with conferences, seminars, and similar meetings covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

“(c) LIMITATIONS ON EXPENSES PAYABLE.—

“(1) PERSONNEL FROM DEVELOPING COUNTRIES.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

“(2) NON-DEFENSE LIAISON OFFICERS.—In the case of a non-defense liaison officer of a foreign country, the authority of the Secretary of Defense under subsection (a) to pay expenses specified in paragraph (2) or (3) of subsection (b) may be exercised only if the assignment of that liaison officer as a liaison officer with the Department of Defense was accepted by the Secretary of Defense with the coordination of the Secretary of State.

“(d) REIMBURSEMENT.—The Secretary of Defense may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

“(e) MONETARY LIMITATIONS ON EXPENSES PAYABLE.—

“(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

“(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed \$150,000.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

“(g) ADMINISTRATIVE SERVICES AND SUPPORT DEFINED.—In this section, the term ‘administrative services and support’ includes base or installation support services, office space, utilities,

copying services, fire and police protection, training programs conducted to familiarize, orient, or certify liaison personnel regarding unique aspects of the assignments of the liaison personnel, and computer support.”

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

(c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

**SEC. 1244. TRANSFER AND REVISION OF CERTAIN AUTHORITIES ON PAYMENT OF EXPENSES OF TRAINING AND EXERCISES WITH FRIENDLY FOREIGN FORCES.**

(a) TRANSFER AND REVISION OF AUTHORITY ON PAYMENT OF EXPENSES OF DEVELOPING COUNTRIES.—Section 2010 of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

**“§321. Training with friendly foreign countries: payment of training and exercise expenses**

**“(a) TRAINING AUTHORIZED.—**

**(1) TRAINING WITH FOREIGN FORCES GENERALLY.—**The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interest of the United States to do so.

**(2) LIMITATION ON TRAINING OF GENERAL PURPOSE FORCES.—**The general purpose forces of the United States armed forces may train only with the military forces of a friendly foreign country.

**(3) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—**Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the United States armed forces participating in such training is responsible.

**(4) ELEMENTS OF TRAINING.—**Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

**(A)** observance of and respect for human rights and fundamental freedoms; and

**(B)** respect for legitimate civilian authority within the foreign country concerned.

**(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—**Under regulations prescribed pursuant to subsection (e), the Secretary of a military department or the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

**(1)** Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

**(2)** Expenses of deploying such forces for that training.

**(3)** The incremental expenses of a friendly foreign country as the direct result of participating in such training, as specified in the regulations.

**(4)** The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

**“(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).**

**“(c) PURPOSE OF TRAINING AND EXERCISES.—**

**(1) IN GENERAL.—**The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train United States forces.

**(2) SELECTION OF FOREIGN PARTNERS.—**Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

**(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—**Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

**(e) QUARTERLY NOTICE ON PLANNED TRAINING.—**Not later than the end of the first calendar quarter beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and every calendar quarter thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a notice setting forth the schedule of planned training engagement pursuant to subsection (a) during the calendar quarter first following the calendar quarter in which such notice is submitted.

**“(f) REGULATIONS.—**

**(1) IN GENERAL.—**The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

**(2) ELEMENTS.—**The regulations required under this section shall provide the following:

**(A)** A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

**(B)** Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

**(C)** Procedures to limit the payment of incremental expenses to friendly foreign countries only to developing countries, except in the case of exceptional circumstances as specified in the regulations.”

(b) TRANSFER OF AUTHORITY FOR PAYMENT OF EXPENSES IN CONNECTION WITH SPECIAL OPERATIONS FORCES TRAINING.—Section 2011 of title 10, United States Code, is transferred to chapter 16 of such title, inserted after section 321, as transferred and amended by subsection (a) of this section, and redesignated as section 322.

(c) CONFORMING REPEAL.—Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 894; 10 U.S.C. 2011 note) is repealed.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.

**SEC. 1245. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.**

(a) TRANSFER AND REVISION.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter IV, redesignated as section 331, and amended to read as follows:

**“§331. Friendly foreign countries: authority to provide support for conduct of operations**

**(a) AUTHORITY.—**The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

**“(b) DESIGNATED OPERATIONS.—**

**(1) IN GENERAL.—**The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

**(2) NOTICE TO CONGRESS.—**The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

**(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—**The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

**(A)** may continue the designation of such operation under this subsection for such purposes for another year; and

**(B)** if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

**(c) TYPES OF SUPPORT AUTHORIZED.—**The types of support that may be provided under the authority in subsection (a) are the following:

**(1)** Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

**(A)** an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

**(B)** a military or stability operation that benefits the national security interests of the United States.

**(2) Logistic support, supplies, and services—**

**(A)** to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

**(B)** to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

**(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.**

**(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.**

**(5) Small-scale construction to support military forces of a friendly foreign country participating in a United States-supported coalition or combined operation when the construction is directly linked to the ability of such forces to participate in such operation effectively and is limited to the geographic area where such operation is taking place.**

**“(d) CERTIFICATION REQUIRED.—**

**(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—**The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

**(A)** if the Secretary of Defense and the Secretary of State jointly certify to the appropriate committees of Congress that the operation is in the national security interests of the United States; and

**(B)** after the expiration of the 15-day period beginning on the date of such certification.

**(2) ACCOMPANYING REPORT.—**Any certification under paragraph (1) shall be accompanied by a report that includes the following:

“(A) A description of the operation, including the geographic area of the operation.

“(B) A list of participating countries.

“(C) A description of the type of support and the duration of support to be provided.

“(D) A description of the national security interests of the United States supported by the operation.

“(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

“(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

“(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

“(g) LIMITATIONS ON VALUE.—

“(1) The aggregate value of all logistic support, supplies, and services provided under paragraphs (1), (4), and (5) of subsection (c) in any fiscal year may not exceed \$450,000,000.

“(2) The aggregate value of all logistic support, supplies, and services provided under subsection (c)(2) in any fiscal year may not exceed \$5,000,000.

“(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term ‘logistic support, supplies, and services’ has the meaning given that term in section 2350(1) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

(c) CONFORMING REPEAL.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1040; 10 U.S.C. 2282 note) is repealed.

#### SEC. 1246. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter V a new section 341 consisting of—

(1) a heading as follows:

“**§341. Department of Defense State Partnership Program**”; and

(2) a text consisting of subsections (a) through (g) of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (32 U.S.C. 107 note).

(b) PROHIBITION ON ACTIVITIES WITH UNITS HAVING COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—Subsection (b) of section 341 of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) by striking “(b) LIMITATION.—An activity” and inserting the following:

“(b) LIMITATIONS.—

“(1) IN GENERAL.—An activity”; and

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

“(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.”

(c) REVISIONS TO STRIKE OBSOLETE PROVISIONS AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Such section 341, as so added, is further amended—

(1) by striking subsection (d) and inserting the following new subsection (d):

“(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.”; and

(2) in subsection (g), by striking “under title 10” and all that follows and inserting “under title 10 as in effect on December 26, 2013.”

(d) ANNUAL REPORTS.—

(1) REPORTS UNDER CODIFIED AUTHORITY.—Subsection (f) of such section 341, as so added, is amended—

(A) by striking “(f) REPORTS AND NOTIFICATIONS.—” and all that follows through “(B) MATTERS TO BE INCLUDED.—” and inserting the following:

“(f) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than February 1 following each of fiscal years 2016, 2017, and 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities under each program established under subsection (a) during such fiscal year.

“(2) MATTERS TO BE INCLUDED.—”; and

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, and realigning the margin of each such subparagraph two ems to the left; and

(ii) in subparagraph (F), as redesignated by clause (i) of this subparagraph, by striking “clause (v)” and inserting “subparagraph (E)”.

(2) REPORTS UNDER CODIFIED REPORTING AUTHORITY IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Effective as of January 1, 2020—

(A) section 386(c)(1) of title 10, United States Code, as added by section 1251(d)(1) of this Act, is amended by inserting “341,” after “333,”; and

(B) section 341 of title 10, United States Code, as added and amended by this section, is further amended—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f).

(e) CONFORMING REPEAL.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2014 is repealed.

#### SEC. 1247. TRANSFER OF AUTHORITY ON REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) TRANSFER AND REDESIGNATION.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1241(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1241(g) of this Act, and redesignated as section 345.

(b) CONFORMING AMENDMENT IN CONNECTION WITH TRANSFER TO NEW CHAPTER.—Subsection (c) of such section 345, as so transferred and redesignated, is amended by striking “to Congress” and inserting “to the appropriate committees of Congress”.

(c) HEADING AMENDMENT.—The heading of such section 345, as so transferred and redesignated, is amended to read as follows:

“**§345. Regional Defense Combating Terrorism Fellowship Program**”.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

#### SEC. 1248. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1241(h) of this Act, the following new section:

“**§347. International engagement authorities for service academies**

“(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

“(1) ATTENDANCE AUTHORIZED.—

“(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

“(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342 of this title;

“(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

“(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

“(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

“(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTED.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

“(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

“(B) the number of persons that may be selected from each country.

“(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

“(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

“(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

“(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

“(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

“(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

“(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipman 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 midshipman 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 midshipman under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

“(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC.—

“(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipman at that Academy appointed from the United States.

“(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipman at that Academy appointed from the United States.

“(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

“(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

“(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

“(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipman receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A student receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

“(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

“(3) COSTS AND EXPENSES.—

“(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipman by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

“(B) SUBSISTENCE, TRANSPORTATION, ETC.—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipman in that foreign country.

“(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

“(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed \$1,000,000 during any fiscal year.

“(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

“(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

“(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

“(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross-cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

“(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

“(3) FINANCIAL MATTERS.—

“(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

“(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1) from funds appropriated for that Academy and from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

“(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed \$40,000 during any fiscal year.

“(d) SERVICE ACADEMY DEFINED.—In this section, the term ‘Service Academy’ means the following:

“(1) The United States Military Academy.

“(2) The United States Naval Academy.

“(3) The United States Air Force Academy.”

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b.

(C) The table of sections at the beginning of chapter 903 of such title is amended by striking the items relating to sections 9344, 9345, and 9345a.

**SEC. 1249. CONSOLIDATED ANNUAL BUDGET FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after the table at the beginning of subchapter VII the following new section:

**“§381. Consolidated budget**

“(a) CONSOLIDATED BUDGET.—The budget of the President for each fiscal year, as submitted to Congress by the President pursuant to section 1105 of title 31, shall set forth by budget function and as a separate item the amounts re-

quested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense, including the military departments, to be conducted in such fiscal year, including the specific country or region and the applicable authority, to the extent practicable.

“(b) QUARTERLY REPORT ON USE OF FUNDS.—Not later than 30 days after the end of each calendar quarter, the Secretary shall submit to the appropriate committees of Congress a report on the obligation and expenditure of funds for security cooperation programs and activities of the Department of Defense during such calendar quarter.”

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply as follows:

(1) Subsection (a) of section 381 of title 10, United States Code, as added by subsection (a), shall apply to budgets submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2018.

(2) Subsection (b) of such section 381, as so added, shall apply to calendar quarters beginning on or after the date of the enactment of this Act.

**SEC. 1250. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.**

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 383, as added by section 1241(m) of this Act, the following new section:

**“§384. Department of Defense security cooperation workforce development**

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the ‘Department of Defense Security Cooperation Workforce Development Program’ (in this section referred to as the ‘Program’) to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

“(1) assessment, planning, monitoring, execution, evaluation, and administration of such programs and activities under this chapter; and

“(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

“(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

“(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

“(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

“(c) ELEMENTS.—The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.

“(d) MANAGEMENT.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

“(e) GUIDANCE.—

“(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary shall issue interim guidance for the execution and administration of the Program.

“(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Secretary shall issue final guidance for the execution and administration of the Program.

“(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

“(A) Provide direction to the Department of Defense on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing training and education standards, promotion opportunities and requirements, retention policies, and scope of workforce demands.

“(B) Provide for a mechanism to identify and define training and certification requirements for security cooperation positions in the Department and a means to track workforce skills and certifications.

“(C) Provide for a mechanism to establish a program of professional certification in Department of Defense security cooperation for personnel of the security cooperation workforce in different career tracks and levels of competency based on requisite training and experience.

“(D) Establish requirements for training and professional development associated with each level of certification provided for under subparagraph (C).

“(E) Establish and maintain a school to train, educate, and certify the security cooperation workforce according to standards developed for purposes of subparagraph (C).

“(F) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with key positions in connection with security cooperation programs and activities.

“(G) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

“(H) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

“(f) SOURCE OF FUNDS.—

“(1) IN GENERAL.—Funds available to the Defense Security Cooperation Agency, and other funds available to the Department of Defense for security cooperation programs and activities of the Department of Defense, may be used to carry out the Program.

“(2) BUDGET JUSTIFICATION.—Funds necessary to carry out the Program as described in paragraph (1) for a fiscal year shall be identified, with appropriate justification, in the consolidated budget for such fiscal year required by section 381 of this title.

“(g) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

“(h) SECURITY COOPERATION WORKFORCE DEFINED.—In this section, the term ‘security cooperation workforce’ means the following:

“(1) Members of the armed forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

“(2) Members of the armed forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands responsible for planning, monitoring, or conducting security cooperation activities.

“(3) Members of the armed forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

“(4) Other military and civilian personnel of Defense Agencies and Field Activities who perform security cooperation activities.

“(5) Personnel of the Department of Defense who perform assessments, monitoring, or evaluations of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of this title.

“(6) Other members of the armed forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the Department of Defense by virtue of their assigned duties, as determined pursuant to the guidance issued under subsection (e).”

(b) REPORTS ON WORKFORCE DEVELOPMENT.—

(1) IN GENERAL.—Not later than March 1, 2018, and each year thereafter through 2021, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Security Cooperation Workforce Development Program required by section 384 of title 10, United States Code, as added by subsection (a), for the fiscal year beginning in the year in which such report is submitted.

(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) The funds requested or allocated for the Department of Defense Security Cooperation Workforce Development Program and for the security cooperation workforce.

(B) A description of how the funds identified pursuant to subparagraph (A) will be implemented for the following:

(i) To address any gaps in the skills and competencies of the current or anticipated security cooperation workforce

(ii) To provide incentives to retain qualified, experienced personnel in the security cooperation workforce.

(iii) To provide incentives to attract and recruit new, high-quality personnel to the security cooperation workforce.

(C) Any other matters the Secretary considers appropriate.

(3) DEFINITIONS.—In this subsection:

(A) The term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1241(a)(3) of this Act.

(B) The term “security cooperation workforce” has the meaning given that term in section 384(h) of title 10, United States Code, as added by subsection (a).

**SEC. 1251. REPORTING REQUIREMENTS.**

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, is amended by inserting after section 385, as added by section 1241(m) of this Act, a new section 386 consisting of—

(1) a heading as follows:

“**§386. Annual report; and**

(2) a text consisting of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3544).

(b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of section 386 of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) by striking “BIENNIAL” and all that follows through “the Secretary of Defense” and inserting “ANNUAL REPORT REQUIRED.—Not later than January 31 of each year beginning in 2018, the Secretary of Defense”;

(2) by striking “congressional defense committees” and inserting “appropriate congressional committees”;

(3) by inserting “under the authorities in subsection (c)” after “Department of Defense”;

(4) by striking “security assistance” and inserting “assistance”;

(5) by striking “the two fiscal years” and inserting “the fiscal year”; and

(6) by striking “under the authorities in subsection (c)” after “submitted”.

(c) ELEMENTS OF REPORT.—Subsection (b) of such section 386, as so added, is amended—

(1) in paragraph (1), by inserting “, duration,” after “purpose”;

(2) in paragraph (2), by striking “The cost” and inserting “The cost and expenditures”;

(3) by adding at the end the following:

“(4) For each foreign country in which defense articles, defense services, supplies (including consumables), small-scale construction, or reimbursement were provided, a description of the extent of participation, if any, by the military forces and security forces or other government organizations of such foreign country.

“(5) The number of members of the United States armed forces involved in providing such defense articles, defense services, supplies (including consumables), and small-scale construction, and, if applicable, a description of the military benefits for such members involved in providing such training, equipment, or assistance.

“(6) A summary, by authority, of the activities carried out under each authority specified in subsection (c).”

(d) MODIFICATION TO SPECIFIED AUTHORITIES.—Subsection (c) of such section 386, as so added, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) Sections 311, 321, 331, 332, 333, 344, 348, 349, and 350 of this title.”;

(2) by striking paragraphs (4), (5), (7), (10), (11), and (12);

(3) by redesignating paragraphs (6), (8), (9), and (13) through (16) as paragraphs (4) through (10), respectively;

(4) by inserting after paragraph (10), as redesignated by paragraph (3) of this subsection, the following new paragraphs:

“(11) Section 401 of this title, relating to humanitarian and civic assistance provided in conjunction with military operations.

“(12) Section 1206 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3538; 10 U.S.C. 2282 note), relating to authority to conduct human rights training of security forces and associated security ministries of foreign countries.”;

(5) by redesignating paragraph (17) as paragraph (13); and

(6) by striking “of title 10, United States Code” each place it appears and inserting “of this title”.

(e) MODIFICATION OF NONDUPLICATION OF EFFORT REQUIREMENT.—Subsection (d) of such section 386, as so added, is amended—

(1) by striking “If any information” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), if any information”; and

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

“(2) EXCEPTION.—Paragraph (1) does not apply with respect to information required under subsection (a) that is required to be submitted as described in paragraphs (1) and (2) of subsection (b).”

(f) FORM.—Subsection (e) of such section 386, as so added, is amended by inserting “that may also include other sensitive information” after “annex”.

(g) CONFORMING REPEAL.—Section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

**SEC. 1252. QUADRENNIAL REVIEW OF SECURITY SECTOR ASSISTANCE PROGRAMS AND AUTHORITIES OF THE UNITED STATES GOVERNMENT.**

(a) STATEMENT OF POLICY.—It is the policy of the United States that the principal goals of the security sector assistance programs and authorities of the United States Government are as follows:

(1) To assist partner nations in building sustainable capability to address common security challenges with the United States.

(2) To promote partner nation support for United States interests.

(3) To promote universal values, such as good governance, transparent and accountable oversight of security forces, rule of law, transparency, accountability, delivery of fair and effective justice, and respect for human rights.

(4) To strengthen collective security and multinational defense arrangements and organizations of which the United States is a participant.

(b) QUADRENNIAL REVIEW.—

(1) REVIEW REQUIRED.—Not later than January 31, 2018, and every four years thereafter through 2034, the President shall complete a review of the security sector assistance programs, policies, authorities, and resources of the United States Government across the United States Government.

(2) ELEMENTS.—Each review under this subsection shall include the following:

(A) An examination whether the current security sector assistance programs, policies, authorities, and resources of the United States Government are sufficient to achieve the goals specified in subsection (a), and an identification of any gaps or shortfalls needing mitigation.

(B) An examination of the success of such programs and resources in achieving such goals, based on a review of relevant departmental and interagency programmatic and strategic evaluations.

(C) An examination of the extent to which the security sector assistance of the United States Government is aligned with national security and foreign policy objectives, conducted in support of clear and coherent policy guidance, and planned and executed in accordance with identified best practices.

(D) The development of recommendations, as appropriate, for improving the security sector assistance programs, policies, authorities, and resources of the United States Government to more effectively achieve the goals specified in subsection (a) and support other national security objectives.

(3) SUBMITTAL TO CONGRESS.—Not later than 60 days after the completion of a review under this subsection, the President shall submit to the appropriate committees of Congress a report setting forth a summary of the review, including any recommendations developed pursuant to paragraph (2)(D).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1241(a)(3) of this Act.

#### SEC. 1253. OTHER CONFORMING AMENDMENTS AND AUTHORITY FOR ADMINISTRATION.

(a) REPEAL OF OTHER SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES.—

(1) IN GENERAL.—The following provisions of title 10, United States Code, are repealed:

(A) Section 168, relating to military-to-military contacts and comparable activities.

(B) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(C) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(D) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(2) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(A) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(B) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(C) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(D) The table of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.

(E) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

(b) SAVINGS CLAUSE.—Any determination or other action made or taken before the date of the enactment of this Act under a provision of law transferred or repealed by this subchapter that is in effect as of the date of the enactment of this Act and is necessary for the administration of a successor authority to such provision of law under chapter 16 of title 10, United States Code, by reason of the enactment of such chapter by this subchapter shall remain in effect, in accordance with the terms of such determination or action when made or taken, for purposes of the administration of such successor authority.

(c) REPORT ON DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION AUTHORITY.—

(1) IN GENERAL.—Not later than October 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between applicable authorities in chapter 16 of title 10, United States Code, as added by section 1241(a)(3) of this Act, and the current law or other authorities under which activities under the initiatives specified in paragraph (2) are carried out.

(2) INITIATIVES.—The initiatives specified in this paragraph are the following:

(A) The Southeast Asia Maritime Security Initiative.

(B) The Ukraine Security Assistance Initiative.

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

(A) A description of each discrete set of activities under an initiative specified in paragraph (2) for which gaps exist between the applicable authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:

(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

#### Subtitle F—Human Rights Sanctions

##### SEC. 1261. SHORT TITLE.

This subtitle may be cited as the “Global Magnitsky Human Rights Accountability Act”.

##### SEC. 1262. DEFINITIONS.

In this subtitle:

(1) FOREIGN PERSON.—The term “foreign person” has the meaning given that term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.—The term “gross violations of internationally recognized human rights” has the meaning given that term in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(3) PERSON.—The term “person” has the meaning given that term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(4) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

#### SEC. 1263. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this subparagraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 120 days after receiving a request that meets the requirements

of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(A) determine if that person has engaged in such an activity; and

(B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that determination that includes—

(i) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(ii) if the President imposed or intends to impose sanctions, a description of those sanctions.

(2) REQUIREMENTS.—

(A) REQUESTS RELATING TO HUMAN RIGHTS VIOLATIONS.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (1) or (2) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of one of the appropriate congressional committees.

(B) REQUESTS RELATING TO CORRUPTION.—A request under paragraph (1) with respect to whether a foreign person has engaged in an activity described in paragraph (3) or (4) of subsection (a) shall be submitted to the President in writing jointly by the chairperson and ranking member of—

(i) one of the appropriate congressional committees of the Senate; and

(ii) one of the appropriate congressional committees of the House of Representatives.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of a sanction described in subsection (b)(2) that is imposed by the President or any regulation, license, or order issued to carry out such a sanction shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State

for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1264. REPORTS TO CONGRESS.**

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section 1263 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section 1263(a) during that year; and

(B) terminated sanctions under section 1263(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section 1263.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as “Human Rights Day”.

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section 1263(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—

The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

**SEC. 1265. SUNSET.**

(a) IN GENERAL.—The authority to impose sanctions under this subtitle shall terminate on the date that is 6 years after the date of the enactment of this Act.

(b) CONTINUATION IN EFFECT OF SANCTIONS.—Sanctions imposed under this subtitle on or before the date specified in subsection (a), and in effect as of such date, shall remain in effect until terminated in accordance with the requirements of section 1263(g).

**Subtitle G—Miscellaneous Reports**

**SEC. 1271. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by striking “March 1 each year” and inserting “January 31 of each year through January 31, 2021”.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as most recently amended by section 1252(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3571), is further amended by adding at the end the following:

“(21) A summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory.

“(22) A description of the People's Republic of China's military and nonmilitary activities in the South China Sea.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after that date.

**SEC. 1272. MONITORING AND EVALUATION OF OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid, the Secretary of Defense is authorized to use up to 5 percent of such amounts to conduct monitoring and evaluation of programs that are funded using such amounts during fiscal years 2017 and 2018.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on mechanisms to evaluate the programs conducted pursuant to the authorities listed in subsection (a).

(c) DEFINITION.—In subsection (b), the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1273. STRATEGY FOR UNITED STATES DEFENSE INTERESTS IN AFRICA.**

(a) **REQUIRED REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a report that contains the strategy for United States defense interests in Africa.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall address the following:

(1) United States national security interests in Africa, including an assessment of threats to global and regional United States national security interests emanating from the continent.

(2) United States defense objectives in Africa.

(3) Courses of action to accomplish United States defense objectives in Africa, including those conducted in cooperation with other Federal agencies.

(4) Measures to improve coordination between United States Africa Command and other combatant commands to achieve unity of effort to counter threats that cross combatant command boundaries.

(5) Department of Defense capabilities and resources required to achieve defense objectives in Africa, and the mitigation plan to address any gaps in such capabilities or resources that affect the implementation of the strategy required by subsection (a).

(6) Security cooperation initiatives to advance defense objectives in Africa.

(7) Any other matters the Secretary of Defense determines to be appropriate.

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

**SEC. 1274. REPORT ON THE POTENTIAL FOR COOPERATION BETWEEN THE UNITED STATES AND ISRAEL ON DIRECTED ENERGY CAPABILITIES.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the potential for cooperative development by the United States and Israel of a directed energy capability to defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel. The report shall include the following:

(1) An assessment of the technological maturity of United States and Israeli directed energy capabilities to defeat adversary threat systems.

(2) An assessment of the respective military capability gaps of each country that such directed energy developments could address.

(3) An assessment of the opportunities for the United States and Israel to cooperate to develop directed energy capabilities to defeat adversary threat systems, including estimated costs of pursuing such opportunities.

(4) An assessment of whether such opportunities should be pursued, including any potential risks from the pursuit of such opportunities.

(5) Any other matters the Secretary considers appropriate.

(b) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 1275. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.**

(a) **IN GENERAL.**—The Secretary of Defense shall submit to the Committees on Armed Serv-

ices of the Senate and the House of Representatives on an annual basis a report setting forth an update of the most current Department of Defense Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program. The purpose of each report shall be to document the types and locations of excessive claims that the Armed Forces of the United States have challenged in the previous year in order to preserve the rights, freedoms, and uses of the sea and airspace guaranteed to all countries by international law.

(b) **ELEMENTS.**—Each report under this section shall include, for the year covered by such report, the following:

(1) Each excessive maritime claim challenged by the United States under the program referred to in subsection (a), including the country making each such claim.

(2) The nature of each claim, including the geographic location or area covered by such claim (including the body of water and island group- ing, when applicable).

(3) The specific legal challenge asserted through the program.

(c) **FORM.**—Each report under this section shall be submitted in unclassified form.

(d) **SUNSET.**—No report is required under this section after December 31, 2021.

**SEC. 1276. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.**

(a) **REPORT ON ASSESSMENT OF PROLIFERATION OF REMOTELY PILOTED AIRCRAFT SYSTEMS.**—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States national security interests of the proliferation of remotely piloted aircraft that are assessed to be “Category I” items under the Missile Technology Control Regime (MTCR).

(b) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) **USE OF PREVIOUS STUDIES.**—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) **ELEMENTS.**—The assessment obtained for purposes of subsection (a) shall include the following:

(1) A qualitative and quantitative assessment of the scope and scale of the proliferation of remotely piloted aircraft that are “Category I” items under the Missile Technology Control Regime.

(2) An assessment of the threat posed to United States interests as a result of the proliferation of such aircraft to adversaries.

(3) An assessment of the impact of the proliferation of such aircraft on the combat capabilities of and interoperability with partners and allies of the United States.

(4) An analysis of the degree to which the United States has limited the proliferation of such aircraft as a result of the application of a “strong presumption of denial” for exports of such aircraft.

(5) An assessment of the benefits and risks of continuing to limit exports of such aircraft.

(6) Such other matters as the Chairman considers appropriate.

(d) **FORM.**—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**Subtitle H—Other Matters**

**SEC. 1281. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.**

(a) **AUTHORITY.**—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to 2 years following the end of such contingency operation.

(b) **AGREEMENT.**—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within 12 months after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not so satisfied shall be immediately liquidated by direct payment to the agency supplying such covered support, supplies, or services.

(c) **EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.**—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order placed under a contract with, or a contract for similar goods or services awarded to, a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED SUPPORT, SUPPLIES, AND SERVICES.**—The term “covered support, supplies, and services” means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support, use of facilities, spare parts and components, repair and maintenance services, and calibration services.

(2) **CONTINGENCY OPERATION.**—The term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(e) **CREDITING OF RECEIPTS.**—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(f) **NOTIFICATION.**—Not later than 30 days after the end of a fiscal year in which covered support, supplies, and services are provided or exchanged pursuant to an agreement under this section, the Secretary of Defense and the Secretary of State shall jointly submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that contains a copy of such agreement and a description of such covered support, supplies, and services.

**SEC. 1282. TWO-YEAR EXTENSION AND MODIFICATION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4579), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1075), is further amended by striking “2018” and inserting “2021”.

(b) **MODIFICATION TO AUTHORIZED ACTIVITIES.**—Subsection (c) of such section is amended by inserting “, or other individuals, as determined by the Secretary of Defense, with respect to already established non-conventional assisted recovery capabilities” before the period at the end of the first sentence.

**SEC. 1283. 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 (Public Law 105-261; 10 U.S.C. 2701 note).

(3) **CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.**—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) **CONDITIONS.**—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are “old chemical weapons” rather than “abandoned chemical weapons”; and

(2) affirmed, in writing, that it understands (A) that the United States intends only to destroy the munitions described in subsections (c) and (d), and (B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) **CHEMICAL MUNITIONS.**—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) **LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.**—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) **SOURCE OF FUNDS.**—Of the amounts authorized to be appropriated by this Act, the Secretary of Defense may use up to \$30,000,000 from amounts made available for Chemical Agents and Munitions Destruction, Defense to carry out the authority in subsection (a).

(f) **SUNSET.**—The authority under subsection (a) shall terminate on the date that is 3 years after the date of the enactment of this Act.

**SEC. 1284. SENSE OF CONGRESS ON MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.**

(a) **MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.**—The Secretary of Defense should carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(b) **EXCHANGES DESCRIBED.**—For the purposes of this section, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(c) **FOCUS OF EXCHANGES.**—The exchanges under the program described in subsection (a) should include exchanges focused on the following:

- (1) Threat analysis.
- (2) Military doctrine.
- (3) Force planning.
- (4) Logistical support.
- (5) Intelligence collection and analysis.
- (6) Operational tactics, techniques, and procedures.
- (7) Humanitarian assistance and disaster relief.

(d) **CIVIL-MILITARY AFFAIRS.**—The exchanges under the program described in subsection (a) should include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) **LOCATION OF EXCHANGES.**—The exchanges under the program described in subsection (a) should be conducted in both the United States and Taiwan.

(f) **DEFINITIONS.**—In this section:

- (1) The term “senior military officer”, with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.
- (2) The term “senior official”, with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.

**SEC. 1285. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.**

(a) **IN GENERAL.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement the Arms Trade Treaty, unless the Arms Trade Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

**SEC. 1286. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.**

(a) **PROHIBITION.**—The Secretary of Defense may not use any funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the Governments of the United States and Cuba until the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that—

- (1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith-based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shutdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) **EXCEPTIONS.**—The prohibition in subsection (a) shall not apply with respect to—

(1) payments in furtherance of the lease agreement, or other financial transactions necessary for maintenance and improvements of the military base at Guantanamo Bay, Cuba, including any adjacent areas under the control or possession of the United States;

(2) assistance or support in furtherance of democracy-building efforts for Cuba described in section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039);

(3) customary and routine financial transactions necessary for the maintenance, improvements, or regular duties of the United States mission in Havana, including outreach to the pro-democracy opposition; or

(4) any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1287. GLOBAL ENGAGEMENT CENTER.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall establish within the Department of State a Global Engagement Center (in this section referred to as the “Center”).

(2) **PURPOSE.**—The purpose of the Center shall be to lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter foreign state and non-state propaganda and disinformation efforts aimed at undermining United States national security interests.

(b) **FUNCTIONS.**—The Center shall carry out the following functions:

(1) Integrate interagency and international efforts to track and evaluate counterfactual narratives abroad that threaten the national security interests of the United States and United States allies and partner nations.

(2) Analyze relevant information, data, analysis, and analytics from United States Government agencies, United States allies and partner nations, think tanks, academic institutions, civil society groups, and other nongovernmental organizations.

(3) As needed, support the development and dissemination of fact-based narratives and analysis to counter propaganda and disinformation directed at the United States and United States allies and partner nations.

(4) Identify current and emerging trends in foreign propaganda and disinformation in order to coordinate and shape the development of tactics, techniques, and procedures to expose and

refute foreign misinformation and disinformation and proactively promote fact-based narratives and policies to audiences outside the United States.

(5) Facilitate the use of a wide range of technologies and techniques by sharing expertise among Federal departments and agencies, seeking expertise from external sources, and implementing best practices.

(6) Identify gaps in United States capabilities in areas relevant to the purpose of the Center and recommend necessary enhancements or changes.

(7) Identify the countries and populations most susceptible to propaganda and disinformation based on information provided by appropriate interagency entities.

(8) Administer the information access fund established pursuant to subsection (f).

(9) Coordinate with United States allies and partner nations in order to amplify the Center's efforts and avoid duplication.

(10) Maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for research and data analysis of foreign state and non-state propaganda and disinformation efforts and communications related to public diplomacy efforts intended for foreign audiences. Such research and data analysis shall be reasonably tailored to meet the purposes of this paragraph and shall be carried out with due regard for privacy and civil liberties guidance and oversight.

(c) HEAD OF CENTER.—

(1) APPOINTMENT.—The head of the Center shall be an individual who is an official of the Federal Government, who shall be appointed by the President.

(2) COMPLIANCE WITH PRIVACY AND CIVIL LIBERTIES LAWS.—The President shall designate a senior official to develop guidance for the Center relating to relevant privacy and civil liberties laws and to ensure compliance with such guidance.

(d) EMPLOYEES OF THE CENTER.—

(1) DETAILEES.—Any Federal Government employee may be detailed to the Center without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege for a period of not more than 3 years.

(2) PERSONAL SERVICE CONTRACTORS.—The Secretary of State may hire United States citizens or aliens as personal services contractors for purposes of personnel resources of the Center, if—

(A) the Secretary determines that existing personnel resources are insufficient;

(B) the period in which services are provided by a personal services contractor, including options, does not exceed 3 years, unless the Secretary determines that exceptional circumstances justify an extension of up to one additional year;

(C) not more than 50 United States citizens or aliens are employed as personal services contractors under the authority of this paragraph at any time; and

(D) the authority of this paragraph is only used to obtain specialized skills or experience or to respond to urgent needs.

(e) TRANSFER OF AMOUNTS AUTHORIZED.—

(1) IN GENERAL.—If amounts authorized to be appropriated or otherwise made available to carry out the functions of the Center—

(A) for fiscal year 2017 are less than \$80,000,000, the Secretary of Defense is authorized to transfer, from amounts authorized to be appropriated by this Act for the Department of Defense for fiscal year 2017, to the Secretary of State an amount, not to exceed \$60,000,000, to be available to carry out the functions of the Center for fiscal year 2017; and

(B) for fiscal year 2018 are less than \$80,000,000, the Secretary of Defense is authorized to transfer, from amounts authorized to be appropriated by an Act authorizing funds for the Department of Defense for fiscal year 2018,

to the Secretary of State an amount, not to exceed \$60,000,000, to be available to carry out the functions of the Center for fiscal year 2018.

(2) NOTICE REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees of a proposed transfer under paragraph (1) not less than 15 days prior to making such transfer.

(3) INAPPLICABILITY OF REPROGRAMMING REQUIREMENTS.—The authority to transfer amounts under paragraph (1) shall not be subject to any reprogramming requirement under any other provision of law.

(f) INFORMATION ACCESS FUND.—

(1) AUTHORITY FOR GRANTS.—The Center is authorized to provide grants or contracts of financial support to civil society groups, media content providers, nongovernmental organizations, federally funded research and development centers, private companies, or academic institutions for the following purposes:

(A) To support local independent media who are best placed to refute foreign disinformation and manipulation in their own communities.

(B) To collect and store examples in print, online, and social media, disinformation, misinformation, and propaganda directed at the United States and its allies and partners.

(C) To analyze and report on tactics, techniques, and procedures of foreign information warfare with respect to disinformation, misinformation, and propaganda.

(D) To support efforts by the Center to counter efforts by foreign entities to use disinformation, misinformation, and propaganda to influence the policies and social and political stability of the United States and United States allies and partner nations.

(2) FUNDING AVAILABILITY AND LIMITATIONS.—The Secretary of State shall provide that each organization that applies to receive funds under this subsection is selected in accordance with the relevant existing regulations to ensure its bona fides, capability, and experience, and its compatibility with United States interests and objectives.

(g) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date on which the Center is established, the Secretary of State shall submit to the appropriate congressional committees a report evaluating the success of the Center in carrying out its functions under subsection (b) and outlining steps to improve any areas of deficiency.

(2) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(h) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available to carry out this section shall be used for purposes other than countering foreign propaganda and misinformation that threatens United States national security.

(i) TERMINATION.—The Center shall terminate on the date that is 8 years after the date of the enactment of this Act.

**SEC. 1288. MODIFICATION OF UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.**

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.; Public Law 103–236) is amended—

(1) by amending section 304 (22 U.S.C. 6203) to read as follows:

**“SEC. 304. ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING BOARD OF GOVERNORS.**

“(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—The Broadcasting Board of Gov-

ernors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

“(b) CHIEF EXECUTIVE OFFICER.—

“(1) IN GENERAL.—The head of the Broadcasting Board of Governors shall be a Chief Executive Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. Notwithstanding any other provision of law, until such time as a Chief Executive Officer is appointed and has qualified, the current or acting Chief Executive Officer appointed by the Board may continue to serve and exercise the authorities and powers under this Act.

“(2) TERM.—The first Chief Executive Officer appointed pursuant to paragraph (1) shall serve for an initial term of three years.

“(3) COMPENSATION.—A Chief Executive Officer appointed pursuant to paragraph (1) shall be compensated at the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(c) TERMINATION OF DIRECTOR OF INTERNATIONAL BROADCASTING BUREAU.—Effective on the date of the enactment of this section, the position of the Director of the International Broadcasting Bureau shall be terminated, and all of the responsibilities, offices, authorities, and immunities of the Director or the Board under this or any other Act or authority before such date of enactment shall be transferred or available to, assumed by, or overseen by the Chief Executive Officer, as head of the Board.

“(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, all limitations on liability that apply to the Chief Executive Officer shall also apply to members of the boards of directors of RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, or any organization that consolidates such entities when such members are acting in their official capacities.”;

(2) in section 305 (22 U.S.C. 6204)—

(A) in subsection (a)—

(i) by striking “Board” each place it appears and inserting “Chief Executive Officer”;

(ii) in paragraph (1), by inserting “direct and” before “supervise”;

(iii) in paragraph (5)—

(I) by inserting “and cooperative agreements” after “grants”; and

(II) by striking “in accordance with sections 308 and 309” and inserting “in furtherance of the purposes of this Act and on behalf of other agencies, accordingly”;

(iv) in paragraph (6)—

(I) by striking “International Broadcasting Bureau” and inserting “Board”; and

(II) by striking “subject to the limitations in sections 308 and 309 and”;

(v) in paragraph (10)—

(I) by inserting “, rent, or lease” after “procure”; and

(II) by striking “personal property” and inserting “property for journalism, media, production, and broadcasting, and related support services, notwithstanding any other provision of law relating to such acquisition, rental, or lease, and under the same terms and conditions as authorized under section 501(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461(b)), and for multiyear contracts and leases for periods of up to 20 years subject to the requirements of subsections (b) through (f) of section 3903 of title 41, United States Code”;

(vi) in paragraph (11)—

(I) by striking “staff”;

(II) by striking “as the Board” and inserting “as the Chief Executive Officer”; and

(III) by striking “subject” and inserting “which shall not be subject”;

(vii) in paragraph (13)—

(I) by striking “Bureau” and inserting “Board”; and

(II) by striking “Board has taken” and inserting “Chief Executive Officer has taken”;

(viii) in paragraph (14)—

(I) by inserting “transmission or” before “relay”; and

(II) by inserting “or any other grantee authorized under this Act” after “Radio Free Asia”;

(ix) in paragraph (15)(A), by striking—

(I) “temporary and intermittent”; and

(II) “to the same extent as is authorized by

section 3109 of title 5, United States Code.”;

(x) in paragraph (16), by striking “Board determines” and inserting “Chief Executive Officer determines”;

(xi) in paragraph (18), by striking “the Bureau” and inserting “the Chief Executive Officer”; and

(xii) by adding at the end the following new paragraphs:

“(20) Notwithstanding any other provision of law, including section 308(a), to condition, if appropriate, any grant or cooperative agreement to RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks, or any organization that is established through the consolidation of such entities, on authority to determine membership of their respective boards, and the consolidation of such grantee entities into a single grantee organization under terms and conditions established by the Board.

“(21) To redirect or reprogram funds within the scope of any grant or cooperative agreement, or between grantees, as necessary (and not later than 15 days before any such redirection of funds between language services, to notify the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate regarding such redirection), and to condition grants or cooperative agreements, if appropriate, on such grants or cooperative agreements or any similar amendments as authorized under section 308(a), including authority to name and replace the board of any grantee authorized under this Act, including with Federal officials, to meet the purposes of this Act.

“(22) To change the name of the Board pursuant to congressional notification 60 days prior to any such change.”;

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

(C) by redesignating subsection (d) as subsection (b); and

(D) in subsection (b) (as so redesignated)—

(i) by striking “and the Board” and inserting “and the Chief Executive Officer”; and

(ii) by striking “International Broadcasting Bureau” and inserting “Board”;

(3) by amending section 306 (22 U.S.C. 6205) to read as follows:

**“SEC. 306. ESTABLISHMENT OF THE INTERNATIONAL BROADCASTING ADVISORY BOARD.**

“(a) IN GENERAL.—Except as provided in subsection (b)(2), the International Broadcasting Advisory Board (referred to in this section as the ‘Advisory Board’) shall consist of five members, including the Secretary of State, appointed by the President and in accordance with subsection (d), to advise the Chief Executive Officer of the Broadcasting Board of Governors, as appropriate.

“(b) RETENTION OF EXISTING BBG BOARD MEMBERS.—

“(1) IN GENERAL.—The presidentially appointed and Senate-confirmed members of the Board of the Broadcasting Board of Governors who are serving on unexpired terms as of the date of the enactment of this section shall—

“(A) constitute the first Advisory Board; and

“(B) hold office for the remainder of their original terms of office without reappointment to the Advisory Board.

“(2) EFFECT OF ADDITIONAL MEMBERS.—If, on the date of the enactment of this section, more than five members described in subsection (a) are serving their original terms of office on the Broadcasting Board of Governors, each such member may serve on the Advisory Board for a

period equal to the time remaining on each such member’s respective term without reappointment.

“(c) TERMS OF OFFICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term of office of each member of the Advisory Board appointed pursuant to subsection (a) shall be three years.

“(2) VACANCIES.—If a vacancy on the Advisory Board occurs before the expiration of the term of the member who created such vacancy—

“(A) the President shall appoint a new member to fill such vacancy in accordance with subsection (d); and

“(B) the member appointed pursuant to such subsection shall serve for the remainder of such term.

“(3) SERVICE BEYOND TERM PROHIBITED.—Members may not serve beyond the term for which they were appointed.

“(d) SELECTION OF THE BOARD.—In identifying individuals for appointment to the Advisory Board under subsection (a), the President shall appoint United States citizens—

“(1) who, with the exception of the Secretary of State, are not regular, full-time employees of the United States Government; and

“(2) distinguished in the fields of public diplomacy, mass communications, print, broadcast or digital media, or foreign affairs, of whom—

“(A) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Affairs of the House of Representatives;

“(B) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Affairs of the House of Representatives;

“(C) one individual should be appointed from among a list of at least three individuals submitted by the Chair of the Committee on Foreign Relations of the Senate; and

“(D) one individual should be appointed from among a list of at least three individuals submitted by the Ranking Member of the Committee on Foreign Relations of the Senate.

“(e) FUNCTIONS OF THE BOARD.—The members of the Advisory Board shall perform the following advisory functions:

“(1) To provide the Chief Executive Officer of the Broadcasting Board of Governors with counsel and recommendations for improving the effectiveness and efficiency of the agency and its programming.

“(2) To meet with the Chief Executive Officer at least twice annually and at additional meetings at the request of the Chief Executive Officer.

“(3) To report periodically or upon request to the congressional committees specified in subsection (d)(2) regarding its counsel and recommendations for improving the effectiveness and efficiency of the Broadcasting Board of Governors and its programming.

“(4) To obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection.

“(f) COMPENSATION.—Members of the Advisory Board, including the Secretary of State, may not receive any fee, salary, or remuneration of any kind for their service as members.”;

(4) by striking section 307 (22 U.S.C. 6206);

(5) in section 308 (22 U.S.C. 6207)—

(A) in subsection (a)(1), by striking “of the Broadcasting Board of Governors established under section 304 and no other members” and inserting “authorized under section 305(a)(20)”;

(B) by amending subsection (d) to read as follows:

“(d) ALTERNATIVE GRANTEE.—If the Chief Executive Officer determines at any time that RFE/RL, Incorporated is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.”; and

(C) in subsection (g)(4)—

(i) by striking “International Broadcasting Bureau” and inserting “any other grantee of the Board”; and

(ii) by striking “by the Board” and inserting “by the Chief Executive Officer”; and

(D) in subsection (i), by striking “(1) Effective” and inserting “Effective”;

(6) in section 309 (22 U.S.C. 6208)—

(A) in subsection (f)(2), by striking “Chairman of the Board” and inserting “Chief Executive Officer of the Board”;

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection:

“(g) ALTERNATIVE GRANTEE.—If the Chief Executive Officer determines at any time that Radio Free Asia is not carrying out the functions described in this section in an effective and economical manner, the Board may award the grant to carry out such functions to another entity.”;

(7) by inserting after section 309 (22 U.S.C. 6208) the following new sections:

**“SEC. 310. BROADCAST ENTITIES REPORTING TO CHIEF EXECUTIVE OFFICER.**

“(a) CONSOLIDATION OF GRANTEE ORGANIZATIONS.—

“(1) IN GENERAL.—The Chief Executive Officer, subject to the regular notification procedures of the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, who is authorized to incorporate a grantee, may condition annual grants to RFE/RL, Inc., Radio Free Asia, and the Middle East Broadcasting Networks on the consolidation of such grantees into a single, consolidated private, non-profit corporation (in accordance with section 501(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of such Code), in such a manner and under such terms and conditions as determined by the Chief Executive Officer, which may broadcast and provide news and information to audiences wherever the agency may broadcast, for activities that the Chief Executive Officer determines are consistent with the purposes of this Act, including the terms and conditions of subsections (g)(5), (h), (i), and (j) of section 308, except that the Agency may select any name for such a consolidated grantee.

“(2) SPECIAL RULE.—No State or political subdivision of a State may establish, enforce, or continue in effect any provision of law or legal requirement that is different from, or is in conflict with, any requirement or authority applicable under this Act relating to the consolidation, incorporation, structure, or dissolution of any grantee under this Act.

“(b) MISSION.—The consolidated grantee established under subsection (a) shall—

“(1) counter state-sponsored propaganda which undermines the national security or foreign policy interests of the United States and its allies;

“(2) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;

“(3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and

“(4) promote unrestricted access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

“(c) FEDERAL STATUS.—Nothing in this or any other Act, or any action taken pursuant to this or any other Act, may be construed to make such a consolidated grantee described in subsection (a) or RFE/RL, Inc., Radio Free Asia, or the Middle East Broadcasting Networks or any other grantee or entity provided funding by the agency a Federal agency or instrumentality.

Employees or staff of such grantees or entities may not be Federal employees. For purposes of this section and this Act, the term ‘grant’ includes agreements under section 6305 of title 31, United States Code, and the term ‘grantee’ includes recipients of such agreements.

“(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—Officers and directors of RFE/RL Inc., Radio Free Asia, and the Middle East Broadcasting Networks or any organization that is established through the consolidation of such entities, or authorized under this Act, shall serve at the pleasure of and may be named by the Chief Executive Officer of the Board.

“(e) MAINTENANCE OF THE EXISTING INDIVIDUAL GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated should remain brand names under which news and related programming and content may be disseminated by the consolidated grantee. Additional brands may be created as necessary.

**“SEC. 310A. INSPECTOR GENERAL AUTHORITIES.**

“(a) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) with respect to the Department of State.

“(b) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this Act and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.

**“SEC. 310B. ROLE OF THE SECRETARY OF STATE IN FOREIGN POLICY GUIDANCE.**

“To assist the Board in carrying out its functions, the Chief Executive Officer shall regularly consult with and seek from the Secretary of State guidance on foreign policy issues.”; and

(8) in section 314 (22 U.S.C. 6213)—

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

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

“(4) the terms ‘Board’ and ‘Chief Executive Officer of the Board’ mean the Broadcasting Board of Governors and the position, respectively, authorized in accordance with this Act.”.

**SEC. 1289. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.**

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking “the ‘South China Sea Initiative’” and inserting “the ‘Southeast Asia Maritime Security Initiative’”.

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

**“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.”.**

**SEC. 1290. MEASURES AGAINST PERSONS INVOLVED IN ACTIVITIES THAT VIOLATE ARMS CONTROL TREATIES OR AGREEMENTS WITH THE UNITED STATES.**

(a) REPORTS ON PERSONS THAT VIOLATE TREATIES OR AGREEMENTS.—

(1) IN GENERAL.—Not later than 30 days after the submittal to Congress of an annual report on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), the Secretary of the Treasury shall submit to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, identifying every person with respect to whom there is credible information indicating that—

(A) the person—

(i)(I) is an individual who is a citizen, national, or permanent resident of a country described in paragraph (2); or

(II) is an entity organized under the laws of a country described in paragraph (2); and

(ii) has engaged in any activity that contributed to or is a significant factor in the President’s or the Secretary of State’s determination that such country is not in full compliance with its obligations as further described in paragraph (2); or

(B) the person has provided material support for such non-compliance to a person described in subparagraph (A).

(2) COUNTRY DESCRIBED.—A country described in this paragraph is a country (other than a country described in paragraph (3)) that the President or the Secretary of State has determined, in the most recent annual report described in paragraph (1), to be not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

(3) EXCLUDED COUNTRIES.—The following countries are not described for purposes of paragraph (2):

(A) The United States.

(B) Any country determined by the Director of National Intelligence to be closely cooperating in intelligence matters with the United States in the period covered by the most recent annual report described in paragraph (1), regardless of the extent of the compliance of such country with the obligations described in paragraph (2) during such period.

(b) IMPOSITION OF MEASURES.—Except as provided in subsections (d), (e), and (f), the President shall impose the measures described in subsection (c) with respect to each person identified in a report under subsection (a).

(c) MEASURES DESCRIBED.—

(1) IN GENERAL.—The measures to be imposed with respect to a person under subsection (b) are the head of any executive agency (as defined in section 133 of title 41, United States Code) may not enter into, renew, or extend a contract for the procurement of goods or services with the person.

(2) EXCEPTION FOR MAJOR ROUTES OF SUPPLY.—The requirement to impose measures under paragraph (1) shall not apply with respect to any contract for the procurement of goods or services along a major route of supply to a zone of active combat or major contingency operation.

(3) REQUIREMENT TO REVISE REGULATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall be revised to implement paragraph (1).

(B) CERTIFICATIONS.—The revisions to the Federal Acquisition Regulation under subparagraph (A) shall include a requirement for a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity described in subsection (a)(1)(A)(ii).

(C) REMEDIES.—If the head of an executive agency determines that a person has submitted a false certification under subparagraph (B) on or after the date on which the applicable revision of the Federal Acquisition Regulation required by this paragraph becomes effective—

(i) the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not less than 2 years;

(ii) any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations; and

(iii) the Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (B).

(d) WAIVER FOR LACK OF KNOWING VIOLATION.—

(1) IN GENERAL.—The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(A) determines that—

(i)(I) in the case of a person described in subsection (a)(1)(A), the person did not knowingly engage in any activity described in such subsection;

(II) in the case of a person described in subsection (a)(1)(B), the person conducted or facilitated a transaction or transactions with, or provided financial services to, a person described in subsection (a)(1)(A) that did not knowingly engage in any activity described in such subsection; and

(III) in the case of a person described in subsection (a)(1)(A) or (a)(1)(B), the person has terminated the activity for which otherwise covered by such subsection or has provided verifiable assurances that the person will terminate such activity; and

(ii) the waiver is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

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

(e) WAIVER TO PREVENT DISCLOSURE OF INTELLIGENCE SOURCES AND METHODS.—The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(1) determines that the waiver is necessary to prevent the disclosure of intelligence sources or methods; and

(2) submits to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, on the determination and the reasons for the determination.

(f) TIMING OF IMPOSITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall immediately impose measures under subsection (b) against a person described in subsection (a)(1) upon the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) unless the President determines and certifies to the appropriate congressional committees that the government of the country concerned has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the person in the activities that resulted in the identification of the person in the report.

(2) DELAY.—

(A) IN GENERAL.—The President may delay the imposition of measures against a person for up to 120 days after the date of the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) if the President initiates consultations with the government concerned with respect to the taking of actions described in paragraph (1).

(B) ADDITIONAL DELAY.—The President may delay the imposition of measures for up to an additional 120 days after the delay authorized by subparagraph (A) if the President determines and certifies to the appropriate congressional committees that the government concerned is in the process of taking the actions described in paragraph (1).

(3) REPORT.—Not later than 60 days after the submittal to Congress of the report identifying a

person pursuant to subsection (a)(1), the President shall submit to the appropriate congressional committees a report on the status of consultations, if any, with the government concerned under this subsection, and the basis for any determination under paragraph (1).

(g) **TERMINATION.**—

(1) **TERMINATION THROUGH COMPLIANCE OF COUNTRY WITH ARMS CONTROL AND OTHER AGREEMENTS.**—The measures imposed with respect to a person under subsection (b) shall terminate on the date on which the President submits to Congress a subsequent annual report pursuant to section 403 of the Arms Control and Disarmament Act that does not contain a determination of the President that the country described in subsection (a)(2) with respect to which the measures were imposed with respect to the person is a country that is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

(2) **TERMINATION THROUGH CESSATION BY PERSON OF VIOLATING ACTIVITIES.**—In addition to termination provided for by paragraph (1), the measures imposed with respect to a person under subsection (b) in connection with a particular activity shall terminate upon a determination of the President that the person has ceased such activity. The termination of measures imposed with respect to a person in connection with a particular activity pursuant to this paragraph shall not result in the termination of any measures imposed with respect to the person in connection with any other activity for which measures were imposed under subsection (b).

(h) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

**SEC. 1291. AGREEMENTS WITH FOREIGN GOVERNMENTS TO DEVELOP LAND-BASED WATER RESOURCES IN SUPPORT OF AND IN PREPARATION FOR CONTINGENCY OPERATIONS.**

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to enter into agreements with the governments of foreign countries to develop land-based water resources in support of and in preparation for contingency operations, including water selection, pumping, purification, storage, distribution, cooling, consumption, water reuse, water source intelligence, research and development, training, acquisition of water support equipment, and water support operations.

(b) **NOTIFICATION REQUIRED.**—Not later than 30 days after entering into an agreement under subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the existence of the agreement and provide a summary of the terms of the agreement.

(c) **DEFINITION.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1292. ENHANCING DEFENSE AND SECURITY COOPERATION WITH INDIA.**

(a) **ACTIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense and Secretary of State should jointly take such actions as may be necessary to—

(A) recognize India’s status as a major defense partner of the United States;

(B) designate an individual within the executive branch who has experience in defense acquisition and technology—

(i) to reinforce and ensure, through inter-agency policy coordination, the success of the Framework for the United States-India Defense Relationship; and

(ii) to help resolve remaining issues impeding United States-India defense trade, security cooperation, and co-production and co-development opportunities;

(C) approve and facilitate the transfer of advanced technology, consistent with United States conventional arms transfer policy, to support combined military planning with India’s military for missions such as humanitarian assistance and disaster relief, counter piracy, freedom of navigation, and maritime domain awareness missions, and to promote weapons systems interoperability;

(D) strengthen the effectiveness of the U.S.-India Defense Trade and Technology Initiative and the durability of the Department of Defense’s “India Rapid Reaction Cell”;

(E) collaborate with the Government of India to develop mutually agreeable mechanisms to verify the security of defense articles, defense services, and related technology, such as appropriate cyber security and end use monitoring arrangements, consistent with United States export control laws and policy;

(F) promote policies that will encourage the efficient review and authorization of defense sales and exports to India;

(G) encourage greater government-to-government and commercial military transactions between the United States and India;

(H) support the development and alignment of India’s export control and procurement regimes with those of the United States and multilateral control regimes; and

(I) continue to enhance defense and security cooperation with India in order to advance United States interests in the South Asia and greater Indo-Asia-Pacific regions.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and Secretary of State shall jointly submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on how the United States is supporting its defense relationship with India in relation to the actions described in paragraph (1).

(b) **BILATERAL COORDINATION.**—To enhance cooperation and encourage military-to-military engagement between the United States and India, the Secretary of Defense should take appropriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the United States Government and the Government of India—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for threat analysis, military doctrine, force planning, mutual security interests, logistical support, intelligence, tactics, techniques and procedures, humanitarian assistance, and disaster relief;

(2) include exchanges of general and flag officers between the two countries;

(3) enhance cooperative military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness, in the Indo-Asia-Pacific region;

(4) accelerate the development of combined military planning for missions such as those identified in subsection (a)(1)(C) or in paragraph (1) of this subsection, or other missions in the national security interests of both countries; and

(5) solicit and recognize actions and efforts by India that would allow the United States to treat India as a major defense partner.

(c) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense and Secretary of State shall jointly, on an ongoing basis, conduct an assessment of the extent to which India possesses capabilities to support

and carry out military operations of mutual interest to the United States and India, including an assessment of the defense export control regulations and policies that need appropriate modification, in recognition of India’s capabilities and its status as a major defense partner.

(2) **USE OF ASSESSMENT.**—The President shall ensure that the assessment described in paragraph (1) is used, consistent with United States conventional arms transfer policy, to inform the review by the United States of requests to export defense articles, defense services, or related technology to India under the Arms Export Control Act (22 U.S.C. 2751 et seq.), and to inform any regulatory and policy adjustments that may be appropriate.

**SEC. 1293. COORDINATION OF EFFORTS TO DEVELOP FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.**

(a) **COORDINATION BETWEEN THE UNITED STATES TRADE REPRESENTATIVE AND OTHER AGENCIES.**—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries identified under paragraph (1) of section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114-27; 129 Stat. 370; 19 U.S.C. 3705 note) in the most recent report required by that section, including through the deployment of resources from those agencies to such countries and through trade capacity building, in addressing the plan developed under paragraph (3) of that section.

(b) **COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.**—

(1) **AUTHORIZATION OF FUNDS.**—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the plan developed under section 116(b) of the African Growth and Opportunity Act (19 U.S.C. 3723(b)); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and under the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))) and agreements annexed to the WTO Agreement.

(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).

**SEC. 1294. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.**

(a) **EXPANSION OF AUTHORITY.**—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking “the Government of Jordan and the Government of Lebanon” and inserting “the Government of Egypt, the Government of Jordan, the Government of Lebanon, and the Government of Tunisia”;

(B) by striking “efforts of the armed forces” and inserting “efforts as follows:

“(A) Efforts of the armed forces”;

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

“(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security

and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable.”; and

(2) in subsection (c)(4), by striking “along the border” and all that follows and inserting “along the border of the country as specified in subsection (a)(1).”.

(b) FUNDS AVAILABLE FOR SUPPORT.—Subsection (b) of such section is amended—

(1) in paragraphs (1) and (2), by striking “Amounts” and inserting “In fiscal year 2016, amounts”; and

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

“(3) In any fiscal year after fiscal year 2016, amounts authorized to be appropriated for such fiscal year and available for Operation and Maintenance, Defense-Wide, and the Counter Islamic State of Iraq and the Levant Fund for such fiscal year.”.

(c) EXTENSION.—Subsection (f) of such section is amended by striking “December 31, 2018” and inserting “December 31, 2019”.

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

“**SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.**”

**SEC. 1295. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.**

(a) AMOUNT OF SUPPORT PROVIDABLE BY THE UNITED STATES.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking “\$25,000,000” and inserting “\$50,000,000”.

(b) SCOPE OF REQUIREMENT FOR MATCHING CONTRIBUTION BY ISRAEL.—Paragraph (3) of such section is amended by inserting before the period at the end the following: “in the calendar year in which the support is provided”.

(c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount contributed by the United States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

**SEC. 1296. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE'S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE “600 SERIES” OF THE COMMERCE CONTROL LIST.**

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting “or in the 600 series of the control list of the Export Administration Regulations” after “in Arms Regulations”; and

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

“(3) The term ‘600 series of the control list of the Export Administration Regulations’ means the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.”.

(b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Such section is further amended by striking “Trafficking” both places it appears and inserting “Traffic”.

**SEC. 1297. INTERNATIONAL SALES PROCESS IMPROVEMENTS.**

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles and services via

sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

**SEC. 1298. EFFORTS TO END MODERN SLAVERY.**

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the policies and guidance of the Department of Defense with respect to the education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons that is received by personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations.

(2) ELEMENTS.—The briefing required under paragraph (1) shall address—

(A) resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make a grant or grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and non-governmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the suspension and termination, as appropriate, of projects supported by the grantee that regularly

or consistently fail to meet the criteria required by this section.

(d) AUDITING.—

(1) IN GENERAL.—Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413).

(2) COMPTROLLER GENERAL AUDIT AUTHORITY.—

(A) IN GENERAL.—The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as the programs or activities the grantee carries out pursuant to this section.

(B) ACCESS TO RECORDS.—Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) ANNUAL REPORT.—Any grant recipient shall submit a report to the Secretary of State annually and the Secretary shall transmit it to the appropriate congressional committees within 30 days. Such report shall include the names of each of the projects or sub-grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) RULE OF CONSTRUCTION REGARDING AVAILABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS; SUNSET.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017 THROUGH 2020.—There is authorized to be appropriated to the Department of State for the purpose of making a grant or grants authorized under this section, for each fiscal year from 2017 through 2020, \$37,500,000.

(2) SUNSET.—The authorities of subsections (b) through (f) shall expire on September 30, 2020.

(h) COMPTROLLER GENERAL REVIEW OF EXISTING PROGRAMS.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2020, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

### TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction funds.

Sec. 1302. Funding allocations.

Sec. 1303. Limitation on availability of funds for Cooperative Threat Reduction in People's Republic of China.

#### SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2017 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term “fiscal year 2017 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

#### SEC. 1302. FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the \$25,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$11,791,000.

(2) For chemical weapons destruction, \$2,942,000.

(3) For global nuclear security, \$16,899,000.

(4) For cooperative biological engagement, \$213,984,000.

(5) For proliferation prevention, \$50,709,000, of which—

(A) \$4,000,000 may be obligated for purposes relating to nuclear nonproliferation assisted or caused by additive manufacture technology (commonly referred to as “3D printing”);

(B) \$4,000,000 may be obligated for monitoring the “proliferation pathways” under the Joint Comprehensive Plan of Action;

(C) \$4,000,000 may be obligated for enhancing law enforcement cooperation and intelligence sharing; and

(D) \$4,000,000 may be obligated for the Proliferation Security Initiative under subtitle B of title XVIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911 et seq.).

(6) For threat reduction engagement, \$2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$27,279,000.

(b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended as follows:

(1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1)) is amended by striking “15 days” and inserting “45 days”.

(2) Section 1322(b) (50 U.S.C. 3712(b)) is amended—

(A) by striking “At the time at which” and inserting “Not later than 15 days before the date on which”;

(B) in paragraph (1), by striking “; and” and inserting a semicolon;

(C) in paragraph (2), by striking the period and inserting “; and”;

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

“(3) a discussion of—

“(A) whether authorities other than the authority under this section are available to the Secretaries to perform such project or activity to meet the threats or goals identified under subsection (a)(1); and

“(B) if such other authorities exist, why the Secretaries were not able to use such authorities for such project or activity.”

(3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3)) is amended by striking “at the time at which” and inserting “not later than seven days before the date on which”.

(4) Section 1324 (50 U.S.C. 3714) is amended—

(A) in subsection (a)(1)(C), by striking “15 days” and inserting “45 days”; and

(B) in subsection (b)(3), by striking “15 days” and inserting “45 days”.

(c) JOINT COMPREHENSIVE PLAN OF ACTION DEFINED.—In this section, the term “Joint Comprehensive Plan of Action” means the Joint Comprehensive Plan of Action, signed at Vienna July 14, 2015, by Iran and by the People's Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action, and transmitted by the President to Congress on July 19, 2015, pursuant to section 135(a) of the Atomic Energy Act of 1954, as amended by the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17; 129 Stat. 201).

#### SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION IN PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended by inserting after section 1334 the following new section:

##### “SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES IN PEOPLE'S REPUBLIC OF CHINA.

“(a) SEMIANNUAL INSTALLMENTS.—In carrying out activities under the Program in the People's Republic of China, the Secretary of Defense shall ensure that Cooperative Threat Reduction funds for such activities are obligated or expended in semiannual installments.

“(b) REQUIRED REPORTS.—

“(1) ADDITIONAL INFORMATION.—With respect to carrying out activities under the Program in the People's Republic of China, the Secretary of Defense shall submit to the congressional defense committees the reports required by section 1321(g) on a semiannual basis by not later than 15 days before any obligation of Cooperative Threat Reduction funds for such activities during the covered semiannual period. In addition to the matters required by such section, each such report shall include, in coordination with the Secretary of State—

“(A) whether China has taken material steps to—

“(i) disrupt the proliferation activities of Li Fangwei (also known as Karl Lee, or any other alias known by the United States); and

“(ii) arrest Li Fangwei pursuant to the indictment charged in the United States District Court for the Southern District of New York on April 29, 2014;

“(B) whether China has proliferated to any non-nuclear weapons state, or any nuclear weapons state in violation of the Treaty on the Non-Proliferation of Nuclear Weapons, any item that contributes to a ballistic missile or nuclear weapons delivery system; and

“(C) the number, type, and summary of any demarches between the United States and China with respect to the matters described in subparagraphs (A) and (B).

“(2) ADDITIONAL SUBMISSIONS.—At the same time as the Secretary of Defense submits to the

congressional defense committees the information described in subparagraphs (A), (B), and (C) of paragraph (1) as part of the reports required by section 1321(g), the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate such information.

“(3) COVERAGE.—With respect to the information described in subparagraphs (A), (B), and (C) of paragraph (1)—

“(A) the first report described in such paragraph that is submitted after the date of the enactment of this section shall cover the preceding 12-month period before the date of such submission; and

“(B) each subsequent report shall cover the semiannual period preceding the date of such submission.

“(4) FORM.—The information described in subparagraphs (A), (B), and (C) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.”

(b) CONFORMING AMENDMENTS.—Section 1321(g) of such Act (50 U.S.C. 3711(g)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking “ANNUAL REQUIREMENT” and inserting “REPORTS REQUIREMENT”; and

(B) by striking “that fiscal year” and inserting “that fiscal year (or, in accordance with section 1335(b), the semiannual period covered by the report)”; and

(2) in paragraph (3), by striking “Paragraph (1)” and inserting “Except for Cooperative Threat Reduction funds subject to section 1335, paragraph (1)”.

### TITLE XIV—OTHER AUTHORIZATIONS

#### Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. Chemical Agents and Munitions Destruction, Defense.

Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1404. Defense Inspector General.

Sec. 1405. Defense Health Program.

#### Subtitle B—National Defense Stockpile

Sec. 1411. Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile.

Sec. 1412. National Defense Stockpile matters.

#### Subtitle C—Chemical Demilitarization Matters

Sec. 1421. National Academies of Sciences study on conventional munitions demilitarization alternative technologies.

#### Subtitle D—Other Matters

Sec. 1431. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

Sec. 1432. Authorization of appropriations for Armed Forces Retirement Home.

#### Subtitle A—Military Programs

##### SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

##### SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

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

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

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

**SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 1404. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

**SEC. 1405. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

**Subtitle B—National Defense Stockpile**

**SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.**

(a) **DISPOSAL AUTHORITY.**—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of the following materials contained in the National Defense Stockpile in the following quantities:

- (1) 27 short tons of beryllium.
- (2) 111,149 short tons of chromium, ferroalloy.
- (3) 2,973 short tons of chromium metal.
- (4) 8,380 troy ounces of platinum.
- (5) 275,741 pounds of contained tungsten metal powder.
- (6) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) **ACQUISITION AUTHORITY.**—

(1) **AUTHORITY.**—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

- (A) High modulus and high strength carbon fibers.
- (B) Tantalum.
- (C) Germanium.
- (D) Tungsten rhenium metal.
- (E) Boron carbide powder.
- (F) Europium.
- (G) Silicon carbide fiber.

(2) **AMOUNT OF AUTHORITY.**—The National Defense Stockpile Manager may use up to \$55,000,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified paragraph (1).

(3) **FISCAL YEAR LIMITATION.**—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

**SEC. 1412. NATIONAL DEFENSE STOCKPILE MATTERS.**

(a) **MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.**—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking “required for” and inserting “suitable for transfer or disposal through”; and

(2) in subsection (c)—

(A) by striking “(1)” and all that follows through “(2)”; and

(B) by striking “this subsection” and inserting “subsection (b)”.

(b) **QUALIFICATION OF DOMESTIC SOURCES.**—Section 15(a) of such Act (50 U.S.C. 98a–6(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

“(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.”.

**Subtitle C—Chemical Demilitarization Matters**

**SEC. 1421. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.**

(a) **IN GENERAL.**—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

(b) **ELEMENTS.**—The study required pursuant to subsection (a) shall include the following:

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation, or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) **SUBMITTAL TO CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

**Subtitle D—Other Matters**

**SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, \$122,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so

transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

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

**SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces Retirement Home.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Appropriations**

Sec. 1501. Purpose and treatment of certain authorizations of appropriations.

Sec. 1502. Procurement.

Sec. 1503. Research, development, test, and evaluation.

Sec. 1504. Operation and maintenance.

Sec. 1505. Military personnel.

Sec. 1506. Working capital funds.

Sec. 1507. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1508. Defense Inspector General.

Sec. 1509. Defense Health program.

**Subtitle B—Financial Matters**

Sec. 1511. Treatment as additional authorizations.

Sec. 1512. Special transfer authority.

**Subtitle C—Limitations, Reports, and Other Matters**

Sec. 1521. Afghanistan Security Forces Fund.

Sec. 1522. Joint Improvised Explosive Device Defeat Fund.

Sec. 1523. Extension of authority to use Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices.

Sec. 1524. Overseas contingency operations.

Sec. 1525. Extension and modification of authorities on Counterterrorism Partnerships Fund.

**Subtitle A—Authorization of Appropriations**

**SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **PURPOSE.**—The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds—

(1) for overseas contingency operations being carried out by the Armed Forces; and

(2) pursuant to sections 1502, 1503, 1504, 1505, and 1507 for expenses, not otherwise provided for, for procurement, research, development, test, and evaluation, operation and maintenance, military personnel, and defense-wide drug interdiction and counter-drug activities, as specified in the funding tables in sections 4103, 4203, 4303, 4403, and 4503.

(b) **SUPPORT OF BASE BUDGET REQUIREMENTS; TREATMENT.**—Funds identified in subsection (a)(2) are being authorized to be appropriated in support of base budget requirements as requested by the President for fiscal year 2017 pursuant to section 1105(a) of title 31, United States Code. The Director of the Office of Management and Budget shall apportion the funds identified in such subsection to the Department of Defense without restriction, limitation, or

constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint imposed by, or described in, the document entitled “Criteria for War/Overseas Contingency Operations Funding Requests” transmitted by the Director to the Department of Defense on September 9, 2010, or any successor or related guidance.

**SEC. 1502. PROCUREMENT.**

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

- (1) the funding table in section 4102; or
- (2) the funding table in section 4103.

**SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

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

- (1) the funding table in section 4202; or
- (2) the funding table in section 4203.

**SEC. 1504. OPERATION AND MAINTENANCE.**

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

- (1) the funding table in section 4302, or
- (2) the funding table in section 4303.

**SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in—

- (1) the funding table in section 4402; or
- (2) the funding table in section 4403.

**SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in—

- (1) the funding table in section 4502; or
- (2) the funding table in section 4503.

**SEC. 1508. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters**

**SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1512. SPECIAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this

title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof).

(2) EFFECT OF TRANSFER.—Amounts of authorizations transferred under this subsection shall be merged with and be available for the same purposes as the authorization to which transferred.

(3) LIMITATIONS.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$3,500,000,000.

(4) EXCEPTION.—In the case of the authorizations of appropriations contained in sections 1502, 1503, 1504, 1505, and 1507 that are provided for the purpose specified in section 1501(a)(2), the transfer authority provided under section 1001, rather than the transfer authority provided by this subsection, shall apply to any transfer of amounts of such authorizations.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**Subtitle C—Limitations, Reports, and Other Matters**

**SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.**

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authoriza-

tion Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3550)—

(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police’s Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police’s Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to the human rights of women and girls, including female members of the Afghan National Security Forces;

(v) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to protecting children from sexual abuse; and

(vi) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense and Interior, shall seek to assist the Government of Afghanistan in

including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that \$25,000,000, but in no event less than \$10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

(d) REPORTING REQUIREMENT.—

(1) SEMI-ANNUAL REPORTS.—Not later than January 31 and July 31 of each year through January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during the preceding six-calendar month period.

(2) CONFORMING REPEALS.—(A) Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424), is further amended by striking subsection (g).

(B) Section 1517 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2442) is amended by striking subsection (f).

**SEC. 1522. JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) USE AND TRANSFER OF FUNDS.—Subsection 1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1091) is amended by striking “fiscal year 2016” and inserting “fiscal years 2016 and 2017”.

(b) EXTENSION OF INTERDICTION OF IMPROVED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Subsection (c) of section 1532 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2057) is amended—

(1) in paragraph (1)—

(A) by striking “for fiscal year 2013 and for fiscal year 2016,” and inserting “for fiscal years 2013, 2016, and 2017”;

(B) by inserting “with the concurrence of the Secretary of State” after “may be available to the Secretary of Defense”;

(C) by striking “of the Government of Pakistan” and inserting “of foreign governments”; and

(D) by striking “from Pakistan to locations in Afghanistan”;

(2) in paragraph (2), by striking “of the Government of Pakistan” and inserting “of foreign governments”; and

(3) in paragraph (4), as most recently amended by section 1532(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1091), by striking “December 31, 2016” and inserting “December 31, 2017”.

(c) NOTICE TO CONGRESS.—Paragraph (3) of such subsection is amended to read as follows:

“(3) NOTICE TO CONGRESS.—None of the funds made available pursuant to paragraph (1) may be obligated or expended to supply training, equipment, supplies, or services to a foreign country before the date that is 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notice that contains—

“(A) the foreign country for which training, equipment, supplies, or services are proposed to be supplied;

“(B) a description of the training, equipment, supplies, and services to be provided using such funds;

“(C) a detailed description of the amount of funds proposed to be obligated or expended to supply such training, equipment, supplies or services, including any funds proposed to be obligated or expended to support the participation of another department or agency of the United States and a description of the training, equipment, supplies, or services proposed to be supplied;

“(D) an evaluation of the effectiveness of the efforts of the foreign country identified under subparagraph (A) to counter the flow of improvised explosive device precursor chemicals; and

“(E) an overall plan for countering the flow of precursor chemicals in the foreign country identified under subparagraph (A).”.

**SEC. 1523. EXTENSION OF AUTHORITY TO USE JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND FOR TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVED EXPLOSIVE DEVICES.**

Section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1093) is amended by striking “September 30, 2018” and inserting “September 30, 2020”.

**SEC. 1524. OVERSEAS CONTINGENCY OPERATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 1525. EXTENSION AND MODIFICATION OF AUTHORITIES ON COUNTERTERRORISM PARTNERSHIPS FUND.**

(a) EXTENSION.—Section 1534 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3616) is amended—

(1) in subsection (a), by striking “Amounts authorized to be appropriated for fiscal year 2015 by this title” and inserting “Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017”; and

(2) in subsection (h), by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2016.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

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

“(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2016.—Amounts authorized to be appropriated for fiscal year 2016 for the Counterterrorism Partnerships Fund may only be used for the purposes specified in subsection (a)(2). In the use of such amounts, any reference in this section to ‘subsection (a)’ shall be deemed to be a reference to ‘subsection (a)(2)’.”.

(c) ADMINISTRATION OF FUND.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking paragraph (3); and

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

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1) of this section, is amended—

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

(A) by striking “and 2017” and inserting “2017, and 2018”; and

(B) by striking “and 2016” and inserting “2016, and 2017”;

(2) in paragraph (4), by striking “subsection (d)(5)” and inserting “subsection (e)(4)”; and

(3) in paragraph (5), by striking “subsection (f)” and inserting “subsection (g)”.

**TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

Subtitle A—Space Activities

Sec. 1601. Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program.

Sec. 1602. Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program.

Sec. 1603. Rocket propulsion system to replace RD-180.

Sec. 1604. Plan for use of allied launch vehicles.

Sec. 1605. Analysis of alternatives for wide-band communications.

Sec. 1606. Modification of pilot program for acquisition of commercial satellite communication services.

Sec. 1607. Space-based environmental monitoring.

Sec. 1608. Prohibition on use of certain non-allied positioning, navigation, and timing systems.

Sec. 1609. Limitation of availability of funds for the Joint Space Operations Center Mission System.

Sec. 1610. Limitations on availability of funds for the Global Positioning System Next Generation Operational Control System.

Sec. 1611. Availability of funds for certain secure voice conferencing capabilities.

Sec. 1612. Space-based infrared system and advanced extremely high frequency program.

Sec. 1613. Pilot program on commercial weather data.

Sec. 1614. Plans on transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office.

Sec. 1615. Five-year plan for Joint Interagency Combined Space Operations Center.

Sec. 1616. Organization and management of national security space activities of the Department of Defense.

Sec. 1617. Review of charter of Operationally Responsive Space Program Office.

Sec. 1618. Backup and complementary positioning, navigation, and timing capabilities of Global Positioning System.

- Sec. 1619. Report on use of spacecraft assets of the space-based infrared system wide-field-of-view program.
- Sec. 1620. Provision of certain information to Government Accountability Office by National Reconnaissance Office.
- Sec. 1621. Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors.
- Sec. 1622. Independent assessment of Global Positioning System Next Generation Operational Control System.
- Subtitle B—Defense Intelligence and Intelligence-Related Activities
- Sec. 1631. Report on United States Central Command Intelligence Fusion Center.
- Sec. 1632. Prohibition on availability of funds for certain relocation activities for NATO Intelligence Fusion Cell.
- Sec. 1633. Survey and review of Defense Intelligence Enterprise.
- Subtitle C—Cyberspace-Related Matters
- Sec. 1641. Special emergency procurement authority to facilitate the defense against or recovery from a cyber attack.
- Sec. 1642. Limitation on termination of dual-hat arrangement for Commander of the United States Cyber Command.
- Sec. 1643. Cyber mission forces matters.
- Sec. 1644. Requirement to enter into agreements relating to use of cyber opposition forces.
- Sec. 1645. Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack.
- Sec. 1646. Limitation on full deployment of joint regional security stacks.
- Sec. 1647. Advisory committee on industrial security and industrial base policy.
- Sec. 1648. Change in name of National Defense University's Information Resources Management College to College of Information and Cyberspace.
- Sec. 1649. Evaluation of cyber vulnerabilities of F-35 aircraft and support systems.
- Sec. 1650. Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure.
- Sec. 1651. Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force.
- Sec. 1652. Strategic Plan for the Defense Information Systems Agency.
- Sec. 1653. Plan for information security continuous monitoring capability and comply-to-connect policy; limitation on software licensing.
- Sec. 1654. Reports on deterrence of adversaries in cyberspace.
- Sec. 1655. Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard.
- Subtitle D—Nuclear Forces
- Sec. 1661. Improvements to Council on Oversight of National Leadership Command, Control, and Communications System.
- Sec. 1662. Treatment of certain sensitive information by State and local governments.
- Sec. 1663. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
- Sec. 1664. Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile.
- Sec. 1665. Limitation on availability of funds for extension of New START Treaty.
- Sec. 1666. Certifications regarding integrated tactical warning and attack assessment mission of the Air Force.
- Sec. 1667. Matters relating to intercontinental ballistic missiles.
- Sec. 1668. Requests for forces to meet security requirements for land-based nuclear forces.
- Sec. 1669. Report on Russian and Chinese political and military leadership survivability, command and control, and continuity of government programs and activities.
- Sec. 1670. Review by Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense.
- Sec. 1671. Sense of Congress on nuclear deterrence.
- Sec. 1672. Sense of Congress on importance of independent nuclear deterrent of United Kingdom.
- Subtitle E—Missile Defense Programs
- Sec. 1681. National missile defense policy.
- Sec. 1682. Extensions of prohibitions relating to missile defense information and systems.
- Sec. 1683. Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system.
- Sec. 1684. Review of the missile defeat policy and strategy of the United States.
- Sec. 1685. Maximizing Aegis Ashore capability and developing medium range discrimination radar.
- Sec. 1686. Technical authority for integrated air and missile defense activities and programs.
- Sec. 1687. Hypersonic defense capability development.
- Sec. 1688. Conventional Prompt Global Strike weapons system.
- Sec. 1689. Required testing by Missile Defense Agency of ground-based mid-course defense element of ballistic missile defense system.
- Sec. 1690. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program codevelopment and coproduction.
- Sec. 1691. Limitations on availability of funds for lower tier air and missile defense capability of the Army.
- Sec. 1692. Pilot program on loss of unclassified, controlled technical information.
- Sec. 1693. Plan for procurement of medium-range discrimination radar to improve homeland missile defense.
- Sec. 1694. Review of Missile Defense Agency budget submissions for ground-based midcourse defense and evaluation of alternative ground-based interceptor deployments.
- Sec. 1695. Semiannual notifications on missile defense tests and costs.
- Sec. 1696. Reports on unfunded priorities of the Missile Defense Agency.
- Subtitle F—Other Matters
- Sec. 1697. Protection of certain facilities and assets from unmanned aircraft.
- Sec. 1698. Harmful interference to Department of Defense Global Positioning System.
- Subtitle A—Space Activities
- SEC. 1601. REPEAL OF PROVISION PERMITTING THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**
- Section 8048 of the Department of Defense Appropriations Act, 2016 (division C of Public Law 114-113; 129 Stat. 2363) is repealed.
- SEC. 1602. EXCEPTION TO THE PROHIBITION ON CONTRACTING WITH RUSSIAN SUPPLIERS OF ROCKET ENGINES FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**
- Section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authoriza-
- tion Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1100), is further amended by striking subsection (c) and inserting the following new subsection:
- “(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following:
- “(1) The placement of orders or the exercise of options under the contract numbered FA8811-13-C-0003 and awarded on December 18, 2013.
- “(2) Contracts that are awarded during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 and ending December 31, 2022, for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation, in addition to the Russian-designed or Russian-manufactured engines to which paragraph (1) applies.”.
- SEC. 1603. ROCKET PROPULSION SYSTEM TO REPLACE RD-180.**
- Section 1604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3623; 10 U.S.C. 2273 note), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1099), is further amended by striking subsection (d) and inserting the following new subsections:
- “(d) USE OF FUNDS UNDER DEVELOPMENT PROGRAM.—
- “(1) DEVELOPMENT OF ROCKET PROPULSION SYSTEM.—The funds described in paragraph (2)—
- “(A) may be obligated or expended for—
- “(i) the development of the rocket propulsion system to replace non-allied space launch engines pursuant to subsection (a); and
- “(ii) the necessary interfaces to, or integration of, the rocket propulsion system with an existing or new launch vehicle; and
- “(B) except as provided by paragraph (3), may not be obligated or expended to develop or procure a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.
- “(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:
- “(A) Funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the Department of Defense for the development of the rocket propulsion system under subsection (a).
- “(B) Funds authorized to be appropriated by this Act or the National Defense Authorization Act for Fiscal Year 2016 or otherwise made available for fiscal years 2015 or 2016 for the Department of Defense for the development of the rocket propulsion system under subsection (a) that are unobligated as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.
- “(3) OTHER PURPOSES.—The Secretary may obligate or expend not more than a total of the amount calculated under paragraph (4) of the funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment for activities not authorized by paragraph (1)(A), including for developing a launch vehicle, an upper stage, a strap-on motor, or related infrastructure. The Secretary may exceed such limit calculated under paragraph (4) in fiscal year 2017 for such purposes if—
- “(A) the Secretary certifies to the appropriate congressional committees that, as of the date of the certification—
- “(i) the development of the rocket propulsion system is being carried out pursuant to paragraph (1)(A) in a manner that ensures that the rocket propulsion system will meet each requirement under subsection (a)(2); and

“(ii) such obligation or expenditure will not negatively affect the development of the rocket propulsion system, including with respect to meeting such requirements; and

“(B) the reprogramming or transfer is carried out in accordance with established procedures for reprogramming or transfers, including with respect to presenting a request for a reprogramming of funds.

“(4) **CALCULATION OF AMOUNTS FOR OTHER PURPOSES.**—In carrying out paragraph (3), the Secretary shall calculate the amount of the funds specified in such paragraph as follows:

“(A) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is equal to or less than \$320,000,000, such amount shall equal 31 percent.

“(B) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is greater than \$320,000,000, such amount shall equal the difference of—

“(i) the amount of funds so authorized to be appropriated, minus

“(ii) \$220,000,000.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘‘appropriate congressional committees’’ means—

“(A) the congressional defense committees; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘‘rocket propulsion system’’ means, with respect to the development authorized by subsection (a), a main booster, first-stage rocket engine or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.”.

**SEC. 1604. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.**

(a) **PLAN.**—The Secretary of Defense, in coordination with the Director of National Intelligence, shall develop a plan to use allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code, in the event that such requirements cannot be met, for a limited period, using only launch vehicles of the United States.

(b) **ASSESSMENTS.**—In developing the plan required by subsection (a), the Secretary shall conduct assessments of the following:

(1) What satellites of the United States would be appropriate to be launched on an allied launch vehicle.

(2) The relevant laws, regulations, and policies governing the launch of national security satellites and whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle.

(3) The certification requirements for using allied launch vehicles pursuant to the plan and the estimated cost, schedule, and actions that would be necessary to certify allied launch vehicles.

(4) Any other matters the Secretary determines appropriate.

(c) **SUBMISSION TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the plan required by subsection (a) and the assessments required by subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term ‘‘allied launch vehicle’’ means a launch vehicle of the government of a country that is an ally of the United States. The term does not include a launch vehicle of the Government of the Russian Federation, the Govern-

ment of the People’s Republic of China, the Government of the Islamic Republic of Iran, or the Government of the Democratic People’s Republic of Korea.

(2) The term ‘‘appropriate congressional committees’’ means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(3) The term ‘‘national security satellite’’ means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

**SEC. 1605. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND COMMUNICATIONS.**

Section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1103) is amended by striking subsection (b) and inserting the following new subsections:

“(b) **SCOPE.**—

“(1) **STUDY GUIDANCE.**—In conducting the analysis of alternatives under subsection (a), the Secretary shall develop study guidance that requires such analysis to include the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models.

“(2) **OTHER CONSIDERATIONS.**—The Secretary shall ensure that—

“(A) any cost assessments of military or commercial satellite communications systems included in the analysis of alternatives conducted under subsection (a) include detailed full lifecycle costs, as applicable, including with respect to—

“(i) military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and

“(ii) any other costs regarding military or commercial satellite communications systems the Secretary determines appropriate; and

“(B) such analysis identifies any considerations relating to the use of military versus commercial systems.

“(c) **COMPTROLLER GENERAL REPORT.**—

“(1) **SUBMISSION.**—Upon completion of the analysis of alternatives conducted under subsection (a), the Secretary shall submit such analysis to the Comptroller General of the United States.

“(2) **REPORT.**—Not later than 120 days after the date on which the Comptroller General receives the analysis of alternatives under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing—

“(A) a review of the analysis; and

“(B) an assessment of the types of analyses the Secretary has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the Department of Defense.

“(3) **MATTERS INCLUDED.**—The report under paragraph (2) shall include the following:

“(A) With respect to the review of the analysis of alternatives conducted under subsection (a)—

“(i) whether, and to what extent, the Secretary—

“(I) conducted such analysis using best practices;

“(II) fully addressed the concerns of the acquisition, operational, and user communities; and

“(III) complied with subsection (b); and

“(ii) a description of how the Secretary identified the requirements and assessed and addressed the cost, schedule, and risks posed for each alternative included in such analysis.

“(B) With respect to the assessment under paragraph (2)(B)—

“(i) whether the Secretary has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and

interoperability with existing or planned terminals; and

“(ii) such other matters as the Comptroller General considers appropriate.

“(d) **BRIEFINGS.**—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and semiannually thereafter until the date on which the analysis of alternatives conducted under subsection (a) is completed, the Secretary shall provide the Committees on Armed Services of the House of Representatives and the Senate (and any other congressional defense committee upon request) a briefing on such analysis.”.

**SEC. 1606. MODIFICATION OF PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES.**

(a) **IMPLEMENTATION OF GOALS.**—Section 1605 of the Carl Levin and Howard P. ‘‘Buck’’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 2208 note), as amended by section 1612 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1103), is further amended by adding at the end the following new subsection:

“(e) **IMPLEMENTATION OF GOALS.**—In developing and carrying out the pilot program under subsection (a)(1), by not later than September 30, 2017, the Secretary shall take actions to begin the implementation of each goal specified in subsection (b).”.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters operations of the Air Force Space Command, not more than 95 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a plan to demonstrate that the pilot program under section 1605 of the Carl Levin and Howard P. ‘‘Buck’’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 2208 note) will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5) of such section.

**SEC. 1607. SPACE-BASED ENVIRONMENTAL MONITORING.**

(a) **ROLES OF DOD AND NOAA.**—

(1) **MECHANISMS.**—The Secretary of Defense and the Administrator of the National Oceanic and Atmospheric Administration shall jointly establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and the National Oceanic and Atmospheric Administration to—

(A) carry out space-based environmental monitoring; and

(B) plan for future non-governmental space-based environmental monitoring capabilities, as appropriate.

(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) may be construed to authorize a joint satellite program of the Department of Defense and the National Oceanic and Atmospheric Administration.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Administrator shall jointly submit to the appropriate congressional committees a report on the mechanisms established under subsection (a)(1).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the congressional defense committees;

(2) the Committee on Science, Space, and Technology of the House of Representatives; and

(3) the Committee on Commerce, Science, and Transportation of the Senate.

**SEC. 1608. PROHIBITION ON USE OF CERTAIN NON-ALLIED POSITIONING, NAVIGATION, AND TIMING SYSTEMS.**

(a) **PROHIBITION.**—During the period beginning not later than 60 days after the date of the

enactment of this Act and ending on September 30, 2018, the Secretary of Defense shall ensure that the Armed Forces and each element of the Department of Defense do not use a non-allied positioning, navigation, and timing system or service provided by such a system.

(b) **WAIVER.**—The Secretary may waive the prohibition in subsection (a) if—

(1) the Secretary determines that the waiver is—

(A) in the national security interest of the United States; and

(B) necessary to mitigate exigent operational concerns;

(2) the Secretary notifies, in writing, the appropriate congressional committees of such waiver; and

(3) a period of 30 days has elapsed following the date of such notification.

(c) **ASSESSMENT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the appropriate congressional committees an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system. Such assessment shall—

(1) address risks regarding—

(A) espionage, counterintelligence, and targeting;

(B) the use of the Global Positioning System by allies and partners of the United States and others; and

(C) harmful interference to the Global Positioning System; and

(2) include any other matters the Secretary, the Chairman, and the Director determine appropriate.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “non-allied positioning, navigation, and timing system” means any of the following systems:

(A) The Beidou system.

(B) The Glonass global navigation satellite system.

**SEC. 1609. LIMITATION OF AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System may be obligated or expended until the date on which the Secretary of the Air Force, in coordination with the Commander of the United States Strategic Command, submits to the congressional defense committees a report on such increment, including—

(1) an acquisition strategy and strategic plan for such increment that includes—

(A) the space battlement management, communication, and control capabilities, as of the date of the enactment of this Act;

(B) the plan to develop and perform space battlement management, communication, and control capabilities in the future; and

(C) the critical elements described in subparagraphs (A) and (B) that will require common software and hardware in other similar space battle management software and systems to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements;

(2) the warfighter requirements of such increment;

(3) the funding and schedule for such increment;

(4) the strategy for use of commercially available capabilities, as appropriate, relating to

such increment to rapidly address warfighter requirements, including the market research and evaluation of such commercial capabilities; and

(5) the relationship of such increment with the other related activities and investments of the Department of Defense.

**SEC. 1610. LIMITATIONS ON AVAILABILITY OF FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.**

(a) **LIMITATION UNTIL CERTIFICATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Global Positioning System Next Generation Operational Control System (in this section referred to as “OCX”), not more than five percent may be obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, until the date on which the Secretary of Defense submits to Congress the certification on the OCX required pursuant to section 2433a(b) of title 10, United States Code, as a result of the determination not to terminate the procurement of the OCX.

(b) **ADDITIONAL LIMITATION UNTIL INITIAL BRIEFING.**—In addition to the limitation in subsection (a), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the OCX, not more than 50 percent may be obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, unless—

(1) the Secretary has submitted to Congress the certification described in subsection (a); and

(2) not earlier than January 15, 2017, the Secretary provides to the congressional defense committees a briefing on the OCX with respect to—

(A) the status of the OCX program, including information on the risks, costs, and schedule, and technical information;

(B) contingency plans and investments, and the status of such plans and investments;

(C) an assessment of the OCX by the Director of Operational Test and Evaluation; and

(D) the total program cost that is validated by the Director of Cost Assessment and Program and a five-year budget that is based on an updated and rebaselined program cost.

(c) **ADDITIONAL LIMITATION UNTIL SECOND BRIEFING.**—In addition to the limitations in subsection (a) and (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the OCX, not more than 75 percent may be obligated or expended for the current product development contract for the OCX, or for any other purpose in connection with the OCX, unless—

(1) the Secretary has submitted to Congress the certification described in subsection (a);

(2) the Secretary has provided to the congressional defense committees the briefing under subsection (b)(2); and

(3) not earlier than March 15, 2017, the Secretary provides to the congressional defense committees an update to such briefing.

(d) **ADJUSTMENT OF BRIEFING DATES.**—The Secretary may provide the briefing under subsection (b)(2) or subsection (c)(3), respectively, before the date specified by such subsection if the Secretary determines that providing such briefing before such date is necessary for the national security interests of the United States.

**SEC. 1611. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.**

Of the funds authorized to be appropriated or otherwise made available by the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) or the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) or otherwise made available for fiscal years 2015 or 2016 for research, development, test, and evaluation, Air Force, and available

for obligation as of the date of the enactment of this Act, not more than \$10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

**SEC. 1612. SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.**

(a) **LIMITATION ON DEVELOPMENT AND ACQUISITION OF ALTERNATIVES.**—

(1) **LIMITATION.**—Except as provided by paragraph (4), the Secretary of Defense may not develop or acquire an alternative to the space-based infrared system program of record or develop or acquire an alternative to the advanced extremely high frequency program of record until the date on which the Commander of the United States Strategic Command and the Director of the Space Security and Defense Program, in consultation with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit to the appropriate congressional committees the assessments described in paragraph (2) for the respective program.

(2) **ASSESSMENT.**—The assessments described in this paragraph are—

(A) an assessment of the resilience and mission assurance of each alternative to the space-based infrared system being considered by the Secretary of the Air Force; and

(B) an assessment of the resilience and mission assurance of each alternative to the advanced extremely high frequency program being considered by the Secretary of the Air Force.

(3) **ELEMENTS.**—An assessment described in paragraph (2) shall include, with respect to each alternative to the space-based infrared system program of record and each alternative to the advanced extremely high frequency program of record being considered by the Secretary of the Air Force, the following:

(A) The requirements for resilience and mission assurance.

(B) The criteria to measure such resilience and mission assurance.

(C) How the alternative affects—

(i) deterrence and full spectrum warfighting;

(ii) warfighter requirements and relative costs to include ground station and user terminals;

(iii) the potential order of battle of adversaries; and

(iv) the required capabilities of the broader space security and defense enterprise.

(4) **EXCEPTION.**—The limitation in paragraph (1) shall not apply to efforts to examine and develop technology insertion opportunities for the space-based infrared system program of record or the satellite communications programs of record.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) With respect to the submission of the assessment described in subparagraph (A) of subsection (a)(2), the—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) With respect to the submission of the assessment described in subparagraph (B) of subsection (a)(2), the congressional defense committees.

**SEC. 1613. PILOT PROGRAM ON COMMERCIAL WEATHER DATA.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

(b) DURATION.—The Secretary may carry out the pilot program under subsection (a) for a period not exceeding one year.

(c) BRIEFINGS.—

(1) INTERIM BRIEFING.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) demonstrating how the Secretary plans to implement the pilot program under subsection (a).

(2) FINAL BRIEFING.—Not later than 90 days after the pilot program under subsection (a) is completed, the Secretary shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) on the utility, cost, and other considerations regarding the purchase of commercial satellite weather data to support the requirements of the Department of Defense.

**SEC. 1614. PLANS ON TRANSFER OF ACQUISITION AND FUNDING AUTHORITY OF CERTAIN WEATHER MISSIONS TO NATIONAL RECONNAISSANCE OFFICE.**

(a) LIMITATION.—Except as provided by subsection (c), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Air Force, for the weather satellite follow-on system, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees the plan under subsection (b)(1).

(b) PLANS FOR TRANSFER OF AUTHORITY.—

(1) AIR FORCE PLAN.—Except as provided by subsection (c), the Secretary of the Air Force shall develop a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for covered space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office, including a description of the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(2) NRO PLAN.—

(A) Except as provided by subsection (c), the Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(i) a description of the related national security requirements for such missions;

(ii) a description of the appropriate manner to meet such requirements; and

(iii) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(B) In developing the plan under subparagraph (A), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.

(C) Except as provided by subsection (c), the Director shall submit to the appropriate congressional committees such plan by not later than July 1, 2017.

(3) INDEPENDENT COST ESTIMATE.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation, shall certify to the appropriate congressional committees that the amounts of funds identified under paragraphs (1) and (2)(A)(iii) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(c) WAIVER BASED ON REPORT AND CERTIFICATION OF AIR FORCE ACQUISITION PROGRAM.—The Secretary of the Air Force may waive the limitation in subsection (a) and the requirement to develop a plan under subsection (b)(1), and the Director of the National Reconnaissance Office may waive the requirement to develop a plan under subsection (b)(2), if the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly submit to the appropriate congressional committees a report by not later than July 1, 2017, that contains—

(1) a certification that the Secretary of the Air Force is carrying out a formal acquisition program that has received Milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense; and

(2) an identification of the cost, schedule, requirements, and acquisition strategy of such acquisition program.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and  
(B) the Permanent Select Committee on Intelligence of the House of Representatives the Select Committee on Intelligence of the Senate.

(2) The term “covered space-based environmental monitoring missions” means the acquisition programs necessary to meet the national security requirements for cloud characterization and theater weather imagery.

(3) The term “Milestone A approval” has the meaning given that term in section 2366a(d) of title 10, United States Code.

**SEC. 1615. FIVE-YEAR PLAN FOR JOINT INTER-AGENCY COMBINED SPACE OPERATIONS CENTER.**

(a) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a plan for the Joint Interagency Combined Space Operations Center for the five-year period beginning on such date of enactment that includes—

(1) a description of the roles, responsibilities, and objective of the Center;

(2) an estimate of funding during the period covered by the current future-years defense program under section 221 of title 10, United States Code, needed for the Center that includes a description of contributions from other Federal agencies;

(3) an estimate of the personnel needed for the Center, listed by military personnel, civilian personnel, and contractor personnel, and the organization or commercial entity such personnel are representing;

(4) a description of planned activities of the Center;

(5) a description of planned use of commercial capabilities by the Center, as appropriate;

(6) a description of how the Center will complement and support the mission of the Joint Space Operations Center; and

(7) a description of the command and control of the related operations of the Joint Interagency Combined Space Operations Center.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 1616. ORGANIZATION AND MANAGEMENT OF NATIONAL SECURITY SPACE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress finds the following:

(1) National security space capabilities are a vital element of the national defense of the United States.

(2) The advantages of the United States in national security space are now threatened to an

unprecedented degree by growing and serious counterspace capabilities of potential foreign adversaries, and the space advantages of the United States must be protected.

(3) The Department of Defense has recognized the threat and has taken initial steps necessary to defend space, however the organization and management may not be strategically postured to fully address this changed domain of operations over the long term.

(4) The defense of space is currently a priority for the leaders of the Department, however the space mission is managed within competing priorities of each of the Armed Forces.

(5) Space elements provide critical capabilities to all of the Armed Forces in the joint fight, however the disparate activities throughout the Department have no single leader that is empowered to make decisions affecting the space forces of the Department.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to modernize and fully address the growing threat to the national security space advantage of the United States, the Secretary of Defense must evaluate the range of options and take further action to strengthen the leadership, management, and organization of the national security space activities of the Department of Defense, including with respect to—

(1) unifying, integrating, and de-conflicting activities to provide for stronger prioritization, accountability, coherency, focus, strategy, and integration of the joint space program of the Department;

(2) streamlining decision-making, limiting unnecessary bureaucracy, and empowering the appropriate level of authority, while enabling effective oversight;

(3) maintaining the involvement of each of the Armed Forces and adapting the culture and improving the capabilities of the workforce to ensure the workforce has the appropriate training, experience, and tools to accomplish the mission; and

(4) reviewing authorities and preparing for a conflict that could extend to space.

(c) RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall each separately submit to the appropriate congressional committees recommendations to—

(1) in accordance with subsection (b), strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department; and

(2) address the findings covered in the report of the Comptroller General of the United States numbered GAO-16-592R regarding space acquisition and oversight of the Department of Defense.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 1617. REVIEW OF CHARTER OF OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.**

(a) REVIEW.—The Secretary of Defense shall conduct a review of charter of the Operationally Responsive Space Program Office established by section 2273a of title 10, United States Code (in this section referred to as the “Office”).

(b) ELEMENTS.—The review under subsection (a) shall include the following:

(1) A review of the key operationally responsive space needs with respect to the warfighter and with respect to national security.

(2) How the Office could fit into the broader resilience and space security strategy of the Department of Defense.

(3) An assessment of the potential of the Office to focus on the reconstitution capabilities with small satellites using low-cost launch vehicles and existing infrastructure.

(4) An assessment of the potential of the Office to leverage existing or planned commercial capabilities.

(5) A review of the necessary workforce specialties and acquisition authorities of the Office.

(6) A review of the funding profile of the Office.

(7) A review of the organizational placement and reporting structure of the Office.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the review under subsection (a), including any recommendations for legislative actions based on such review.

**SEC. 1618. BACKUP AND COMPLEMENTARY POSITIONING, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM.**

(a) STUDY.—

(1) IN GENERAL.—The covered Secretaries shall jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the covered Secretaries shall submit to the appropriate congressional committees a report on the study under paragraph (1). Such report shall include—

(A) with respect to the Department of each covered Secretary, the identification of the respective requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure;

(B) an analysis of alternatives to meet such requirements, including, at a minimum—

(i) an analysis of appropriate technology options;

(ii) an analysis of the viability of a public-private partnership to establish a complementary positioning, navigation, and timing system; and

(iii) an analysis of the viability of service level agreements to operate a complementary positioning, navigation, and timing system; and

(C) a plan to meet such requirements that includes—

(i) for each such Department, the estimated costs, schedule, and system level technical considerations, including end user equipment and integration considerations; and

(ii) identification of the appropriate resourcing for each such Department in accordance with the respective requirements of the Department, including domestic or international requirements.

(b) SINGLE DESIGNATED OFFICIAL.—Each covered Secretary shall designate a single senior official of the Department of the Secretary to act as the primary representative of such Department for purposes of conducting the study under subsection (a)(1).

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term “covered Secretaries” means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Homeland Security.

**SEC. 1619. REPORT ON USE OF SPACECRAFT ASSETS OF THE SPACE-BASED INFRARED SYSTEM WIDE-FIELD-OF-VIEW PROGRAM.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary

of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the advisability and feasibility of using available spacecraft assets of the space-based infrared system wide-field-of-view program to satisfy other mission requirements of the Department of Defense or the intelligence community.

(b) MATTERS COVERED.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An evaluation of using the space-based infrared system wide-field-of-view spacecraft bus for other urgent national security space priorities.

(2) An evaluation of the cost and schedule impact, if any, to the space-based infrared system wide-field-of-view program if the spacecraft bus is used for another purpose.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary to protect the national security interests of the United States.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 1620. PROVISION OF CERTAIN INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE BY NATIONAL RECONNAISSANCE OFFICE.**

(a) IN GENERAL.—The Director of the National Reconnaissance Office shall provide to the Comptroller General of the United States, in a timely manner, access to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the National Reconnaissance Office.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1621. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the costs and benefits of allowing the use of solid rocket motors from missiles described in section 50134(c) of title 51, United States Code, for commercial space launch purposes. Such analysis shall include an evaluation of the effect, if any, of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

(b) BRIEFINGS.—

(1) INTERIM BRIEFING.—Not later than March 15, 2017, the Comptroller General shall provide to the appropriate congressional committees an interim briefing on the analysis under subsection (a).

(2) FINAL BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall provide to the appropriate congressional committees a final briefing on the analysis under subsection (a).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

**SEC. 1622. INDEPENDENT ASSESSMENT OF GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity, to assess the acquisition strategy of the Air Force for the Global Positioning System Next Generation Operational Control System (in this section referred to as “OCX”).

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

(1) An assessment of the ability of the Air Force to complete blocks zero through two of the OCX operating system on a schedule necessary to transition the OCX to full operation.

(2) An estimate of the cost of completing blocks zero through two on the schedule described in paragraph (1), taking into account—

(A) the rate of software defects;

(B) earned value management; and

(C) information assurance requirements.

(3) An assessment of the ability of the Air Force to implement contingency plans for sustaining the Global Positioning System constellation to mitigate the effects of delays to the implementation of the OCX and to alleviate challenges with respect to the operations and check-out of the Global Positioning System III satellites.

(4) An assessment of any risks to the viability and required availability of the Global Positioning System constellation associated with efforts to complete blocks zero through two as described in paragraph (1) or the contingency plans described in paragraph (3).

(5) An assessment of whether there are well-defined methods for terminating the OCX program (including an analysis of the ability of alternative systems to satisfy the requirements of the Department of Defense), in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(6) Any other matters the entity conducting the assessment determines appropriate.

(c) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

**Subtitle B—Defense Intelligence and Intelligence-Related Activities**

**SEC. 1631. REPORT ON UNITED STATES CENTRAL COMMAND INTELLIGENCE FUSION CENTER.**

(a) REPORT ON PROCEDURES.—Not later than March 1, 2017, the Commander of the United States Central Command shall submit to the appropriate congressional committees a report on the steps taken by the Commander to formalize and disseminate procedures for establishing, staffing, and operating the Intelligence Fusion Center of the United States Central Command.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1632. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN RELOCATION ACTIVITIES FOR NATO INTELLIGENCE FUSION CELL.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance may be obligated or expended for the procurement of fit-out supplies and equipment to support the relocation of the NATO Intelligence Fusion Cell from Royal Air Force Molesworth, United Kingdom, to Royal Air Force Croughton, United Kingdom.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the NATO Intelligence Fusion Cell that outlines—

(1) the current facility and support requirements and associated costs, including any adjustments of such requirements and costs, for the NATO Intelligence Fusion Cell to be located and operationally viable at Royal Air Force Croughton; and

(2) the operational requirements of, and costs associated with, any operations of the United States collocated with the NATO Intelligence Fusion Cell.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and  
(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 1633. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.**

(a) **SURVEY AND REVIEW.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and

(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

(2) **ELEMENTS.**—The review and survey required by paragraph (1) shall include the following:

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and

(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) **REPORT.**—

(1) **SUBMISSION.**—Not later than 270 days after the date of the enactment of this Act, the Chair-

man of the Joint Chiefs of Staff shall submit to the appropriate congressional committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) **CONTENT.**—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and  
(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “Defense Intelligence Enterprise” means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(A) The Department of Defense.

(B) The Joint Staff.

(C) The combatant commands.

(D) The military departments.

(E) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

**Subtitle C—Cyberspace-Related Matters**

**SEC. 1641. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER ATTACK.**

Section 1903(a)(2) of title 41, United States Code, is amended by inserting “cyber,” before “nuclear.”

**SEC. 1642. LIMITATION ON TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.**

(a) **LIMITATION ON TERMINATION OF DUAL-HAT ARRANGEMENT.**—The Secretary of Defense may not terminate the dual-hat arrangement until the date on which the Secretary and the Chairman of the Joint Chiefs of Staff jointly certify to the appropriate committees of Congress that—

(1) the Secretary and the Chairman carried out the assessment under subsection (b);

(2) each of the conditions described in paragraph (2)(C) of such subsection has been met; and

(3) termination of the dual-hat arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable to the national security interests of the United States.

(b) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Secretary and the Chairman shall jointly assess the military and intelligence necessity and benefit of the dual-hat arrangement.

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

(A) An evaluation of the operational dependence of the United States Cyber Command on the National Security Agency.

(B) An evaluation of the ability of the United States Cyber Command and the National Security Agency to carry out their respective roles and responsibilities independently.

(C) A determination of whether the following conditions have been met:

(i) Robust operational infrastructure has been deployed that is sufficient to meet the unique cyber mission needs of the United States Cyber Command and the National Security Agency, respectively.

(ii) Robust command and control systems and processes have been established for planning, deconflicting, and executing military cyber operations.

(iii) The tools and weapons used in cyber operations are sufficient for achieving required effects.

(iv) Capabilities have been established to enable intelligence collection and operational preparation of the environment for cyber operations.

(v) Capabilities have been established to train cyber operations personnel, test cyber capabilities, and rehearse cyber missions.

(vi) The cyber mission force has achieved full operational capability.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **DUAL-HAT ARRANGEMENT.**—The term “dual-hat arrangement” means the arrangement under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency.

**SEC. 1643. CYBER MISSION FORCES MATTERS.**

(a) **ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.**—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for United States Cyber Command workforce positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Notwithstanding sections 3309 through 3318 of title 5, United States Code, provide for and implement an interagency transfer agreement between excepted service position systems and competitive service position systems in military departments and Defense Agencies concerned to satisfy the requirements for cyber workforce positions from among a mix of employees in the excepted service and the competitive service in such military departments and Defense Agencies.

(2) Implement in the defense civilian cyber personnel system a classification system commonly known as a “Rank-in-person” classification system similar to such classification system used by the National Security Agency as of the date of the enactment of this Act.

(3) Approve direct hiring authority for cyber workforce positions up to the GG or GS-15 level in accordance with the criteria in section 3304 of title 5, United States Code.

(4) Notwithstanding section 5333 of title 5, United States Code, authorize officials conducting hiring in the competitive service for cyber workforce positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) **OTHER MATTERS.**—The Principal Cyber Advisor, acting through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2224 note) and in consultation with the Commander of the United States Cyber Command, shall supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the cyber mission forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the cyber mission forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications of security clearances for tool development personnel.

**SEC. 1644. REQUIREMENT TO ENTER INTO AGREEMENTS RELATING TO USE OF CYBER OPPOSITION FORCES.**

(a) **REQUIREMENT FOR AGREEMENTS.**—Not later than September 30, 2017, the Secretary of Defense shall ensure that each commander of a combatant command establishes appropriate agreements with the Secretary relating to the use of cyber opposition forces. Each agreement shall require the command—

(1) to support a high state of mission readiness in the command through the use of one or more cyber opposition forces in continuous exercises and other training activities as considered appropriate by the commander of the command; and

(2) in conducting such exercises and training activities, meet the standard required under subsection (b).

(b) **JOINT STANDARD FOR CYBER OPPOSITION FORCES.**—Not later than March 31, 2017, the Secretary of Defense shall issue a joint training and certification standard for use by all cyber opposition forces within the Department of Defense.

(c) **JOINT STANDARD FOR PROTECTION OF CONTROL SYSTEMS.**—Not later than June 30, 2017, the Secretary of Defense shall issue a joint training and certification standard for the protection of control systems for use by all cyber operations forces within the Department of Defense. Such standard shall—

(1) provide for applied training and exercise capabilities; and

(2) use expertise and capabilities from other departments and agencies of the Federal Government, as appropriate.

(d) **BRIEFING REQUIRED.**—Not later than September 30, 2017, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(1) a list of each combatant command that has established an agreement under subsection (a);

(2) with respect to each such agreement—

(A) special conditions in the agreement placed on any cyber opposition force used by the command;

(B) the process for making decisions about deconfliction and risk mitigation of cyber opposition force activities in continuous exercises and training;

(C) identification of cyber opposition forces trained and certified to operate at the joint standard, as issued under subsection (b);

(D) identification of the annual exercises that will include participation of the cyber opposition forces; and

(E) identification of any shortfalls in resources that may prevent annual exercises using cyber opposition forces; and

(3) any other matters the Secretary of Defense considers appropriate.

**SEC. 1645. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.**

(a) **AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT.**—

(1) **IN GENERAL.**—Subject to a determination by the Secretary of Defense, the Secretary may provide cyber protection support for the personal technology devices of the personnel described in paragraph (2).

(2) **AT-RISK PERSONNEL.**—The personnel described in this paragraph are personnel of the Department of Defense—

(A) who the Secretary determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the Department; and

(B) whose personal technology devices are highly vulnerable to cyber attacks and hostile information collection activities.

(b) **NATURE OF CYBER PROTECTION SUPPORT.**—Subject to the availability of resources, the cyber protection support provided to personnel

under subsection (a) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(c) **LIMITATION ON SUPPORT.**—Nothing in this section shall be construed—

(1) to encourage personnel of the Department of Defense to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior Department personnel using personal devices and networks in an official capacity.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of cyber protection support under subsection (a). The report shall include—

(1) a description of the methodology used to make the determination under subsection (a)(2); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (a).

(e) **PERSONAL TECHNOLOGY DEVICES DEFINED.**—In this section, the term “personal technology devices” means technology devices used by Department of Defense personnel outside of the scope of their employment with the Department and includes networks to which such devices connect.

**SEC. 1646. LIMITATION ON FULL DEPLOYMENT OF JOINT REGIONAL SECURITY STACKS.**

(a) **LIMITATION.**—The Secretary of a military department or the head of a Defense Agency may not declare that such department or Defense Agency has achieved full operational capability for the deployment of joint regional security stacks until the date on which—

(1) the department or Defense Agency concerned completes operational test and evaluation activities to determine the effectiveness, suitability, and survivability of the joint regional security stacks system of such department or Defense Agency; and

(2) written certification that such testing and evaluation activities have been completed is provided to the Secretary of such department or the head of such Defense Agency by the appropriate operational test and evaluation organization of such department or Defense Agency.

(b) **WAIVER.**—

(1) **IN GENERAL.**—The Secretary of a military department or the head of a Defense Agency may waive the requirements of subsection (a) if a certification described in paragraph (2) is provided to the Secretary of Defense, and signed by—

(A) the Secretary of the military department or the head of the Defense Agency concerned;

(B) the Director of Operational Test and Evaluation for the Department of Defense; and

(C) the Chief Information Officer of the Department of Defense.

(2) **CERTIFICATION.**—A certification described in this subsection is a written certification that—

(A) the testing and evaluation activities required under subsection (a) are unnecessary, accompanied by an explanation of the reasons such activities are unnecessary;

(B) the effectiveness, suitability, and survivability of the joint regional security stacks system of the military department or Defense Agency concerned has been demonstrated by methods other than the testing and evaluation activities required under subsection (a), accompanied by supporting data; or

(C) national security needs justify full deployment of the joint regional security stacks system of the military department or Defense Agency concerned before the test and evaluation activities required under subsection (a) can be completed, accompanied by an explanation of such justification and a risk management plan.

**SEC. 1647. ADVISORY COMMITTEE ON INDUSTRIAL SECURITY AND INDUSTRIAL BASE POLICY.**

(a) **ADVISORY COMMITTEE.**—Not later than April 30, 2017, the Secretary of Defense shall establish an advisory committee (referred to in this section as the “Committee”) to review, assess, and make recommendations with respect to industrial security and industrial base policy.

(b) **DUTIES.**—The Committee shall—

(1) review and assess—

(A) the national industrial security program for cleared facilities and the protection of the information and networking systems of cleared defense contractors;

(B) policies and practices relating to physical security and installation access at installations of the Department of Defense;

(C) information security and cyber defense policies, practices, and reporting relating to the unclassified information and networking systems of defense contractors;

(D) policies, practices, regulations, and reporting relating to industrial base issues; and

(E) any other matters the Secretary determines to be appropriate; and

(2) make recommendations to the Secretary based on such review and assessment.

(c) **MEMBERS.**—The Committee shall be composed of 10 members appointed by the Secretary of Defense of which five members shall be representatives of non-governmental entities and five members shall be representatives of departments or agencies of the Federal Government.

(d) **MEETINGS.**—The Committee shall meet not less often than once annually until the date on which the Committee terminates under subsection (e).

(e) **TERMINATION.**—The Committee shall terminate on September 30, 2022.

**SEC. 1648. CHANGE IN NAME OF NATIONAL DEFENSE UNIVERSITY'S INFORMATION RESOURCES MANAGEMENT COLLEGE TO COLLEGE OF INFORMATION AND CYBERSPACE.**

(a) **IN GENERAL.**—Section 2165(b)(5) of title 10, United States Code, is amended by striking “Information Resources Management College” and inserting “College of Information and Cyberspace”.

(b) **REFERENCES.**—Any reference in any law, regulation, document, record, or other paper of the United States to the Information Resources Management College shall be considered to be a reference to the College of Information and Cyberspace.

**SEC. 1649. EVALUATION OF CYBER VULNERABILITIES OF F-35 AIRCRAFT AND SUPPORT SYSTEMS.**

(a) **EVALUATION AND REPORT.**—

(1) **EVALUATION.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall complete an evaluation of the cyber vulnerabilities of the F-35 aircraft and the support systems of the aircraft under section 1647(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118).

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the evaluation completed under paragraph (1) that includes—

(A) the findings of the Secretary with respect to the evaluation;

(B) identification of any major information assurance deficiencies relating to the F-35 aircraft or the support systems of the aircraft (including the autonomous logistics information system); and

(C) a cyber vulnerability mitigation strategy for F-35 aircraft and the support systems of the aircraft.

(3) **WAIVER PROHIBITED.**—Notwithstanding section 1647(a)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118), the Secretary may not waive the requirements of paragraphs (1) and (2).

(b) **TOOLS AND SOLUTIONS FOR ASSESSING AND MITIGATING CYBER VULNERABILITIES.**—Section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1118) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) **TOOLS AND SOLUTIONS FOR ASSESSING AND MITIGATING CYBER VULNERABILITIES.**—In addition to carrying out the evaluation of cyber vulnerabilities of major weapon systems of the Department under this section, the Secretary may—

“(1) develop tools to improve the detection and evaluation of cyber vulnerabilities;

“(2) conduct non-recurring engineering for the design of solutions to mitigate cyber vulnerabilities; and

“(3) establish Department-wide information repositories to share findings relating to the evaluation and mitigation of cyber vulnerabilities.”.

**SEC. 1650. EVALUATION OF CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.**

(a) **PLAN FOR EVALUATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the evaluation of the cyber vulnerabilities of the critical infrastructure of the Department of Defense.

(2) **ELEMENTS.**—The plan under paragraph (1) shall include—

(A) an identification of each of the military installations to be evaluated; and

(B) an estimate of the cost of the evaluation.

(3) **PRIORITY IN EVALUATION.**—The plan under paragraph (1) shall prioritize the evaluation of military installations based on the criticality of the infrastructure supporting such installations, as determined by the Chairman of the Joint Chiefs of Staff based on an assessment of—

(A) the Armed Forces stationed at such military installations; and

(B) threats to such military installations.

(4) **INTEGRATION WITH OTHER EFFORTS.**—The plan under paragraph (1) shall build upon other efforts of Department of Defense relating to the identification and mitigation of cyber vulnerabilities of major weapon systems and critical infrastructure of the Department and shall not duplicate such efforts.

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 30 days after the date on which the Secretary submits the plan under subsection (a), the Secretary, acting through a covered research laboratory, shall initiate a pilot program under which the Secretary shall assess the feasibility and advisability of applying new, innovative methodologies or engineering approaches—

(A) to improve the defense of control systems against cyber attacks;

(B) to increase the resilience of military installations against cybersecurity threats;

(C) to prevent or mitigate the potential for high-consequence cyber attacks; and

(D) to inform future requirements for the development of such control systems.

(2) **LOCATIONS.**—The Secretary shall carry out the pilot program under paragraph (1) at not fewer than two military installations selected by the Secretary from among military installations that support the most critical mission-essential functions of the Department of Defense as identified in the plan under subsection (a).

(3) **TOOLS.**—In carrying out the pilot program under paragraph (1), the Secretary may use tools and solutions developed under subsection (e).

(4) **REPORT.**—Not later than December 31, 2019, the Secretary shall submit to the congressional defense committees a final report on the pilot program that includes—

(A) a description of the activities carried out under the pilot program at each military installation concerned;

(B) an assessment of the value of the methodologies or tools applied during the pilot program in increasing the resilience of military installations against cybersecurity threats;

(C) recommendations for administrative or legislative actions to improve the ability of the Department to employ methodologies and tools for reducing cyber vulnerabilities in other activities of the Department of Defense; and

(D) recommendations for including such methodologies or tools as requirements for relevant activities, including technical requirements for systems or military construction projects.

(5) **TERMINATION.**—The authority of the Secretary to carry out the pilot program under this subsection shall terminate on September 30, 2019.

(c) **EVALUATION.**—

(1) **IN GENERAL.**—Not later than December 31, 2020, the Secretary shall complete an evaluation of the cyber vulnerabilities of the critical infrastructure of the Department of Defense in accordance with the plan under subsection (a).

(2) **RISK MITIGATION STRATEGIES.**—The Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation under paragraph (1).

(d) **STATUS ON PROGRESS.**—The Secretary shall include in each quarterly cyber operations briefing submitted to Congress under section 484 of title 10, United States Code, a summary of any activities carried out as part of—

(1) the pilot program under subsection (b); or

(2) the evaluation under subsection (c).

(e) **TOOLS AND SOLUTIONS.**—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;

(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) **DEFINITIONS.**—In this section:

(1) **CRITICAL INFRASTRUCTURE OF THE DEPARTMENT OF DEFENSE.**—The term “critical infrastructure of the Department of Defense” means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the Armed Forces that the incapacitation or destruction of such asset by a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

(2) **COVERED RESEARCH LABORATORY.**—The term “covered research laboratory” means—

(A) a research laboratory of the Department of Defense; or

(B) a research laboratory of the Department of Energy approved by the Secretary of Energy to carry out the pilot program under subsection (b).

**SEC. 1651. STRATEGY TO INCORPORATE ARMY RESERVE COMPONENT CYBER PROTECTION TEAMS INTO DEPARTMENT OF DEFENSE CYBER MISSION FORCE.**

(a) **STRATEGY REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on a strategy for incorporating reserve component cyber protection teams into the cyber mission force of the Department of Defense.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall include, at minimum, the following:

(1) A timeline for incorporating reserve component cyber protection teams into the cyber mission force of the Department of Defense, including a timeline for the appropriate training of such teams.

(2) Identification of the specific reserve component cyber protection teams to be incor-

porated into the cyber mission force of the Department of Defense.

(3) An assessment of how the incorporation of reserve component cyber protection teams into the cyber mission force of the Department of Defense might be used to enhance readiness through improved individual and collective training capabilities.

(4) A status report on the progress of the Army in issuing additional guidance that clarifies how reserve component cyber protection teams of the Army National Guard can support State and civil operations in National Guard status under title 32, United States Code.

(5) Other matters as considered appropriate by the Secretary of the Army.

(c) **RESERVE COMPONENT CYBER PROTECTION TEAMS DEFINED.**—In this section, the term “reserve component cyber protection teams” means cyber protection teams of—

(1) the Army National Guard; and

(2) the other reserve components of the Army.

**SEC. 1652. STRATEGIC PLAN FOR THE DEFENSE INFORMATION SYSTEMS AGENCY.**

(a) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less often than once every 2 fiscal years thereafter until September 30, 2022, the Director of the Defense Information Systems Agency, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense, shall develop or update, as appropriate, a strategic plan for the Agency that includes—

(1) a comprehensive review of the requirements and mission of the Agency with respect to research, development, test, and evaluation; and

(2) an assessment of the adequacy of the activities, facilities, workforce, and resources of the Agency in meeting such requirements and fulfilling such mission.

(b) **COVERED PERIOD.**—Each strategic plan under subsection (a) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed or updated.

(c) **ELEMENTS.**—Each strategic plan under subsection (a) shall include the following elements:

(1) A statement of the mission of the Defense Information Systems Agency that—

(A) addresses the critical operations and functions carried out by the Agency; and

(B) includes an assessment of projected changes to such operations and functions for the period covered by the plan.

(2) An assessment of the personnel, facilities, and research, development, test, and evaluation requirements of the Department of Defense that are needed to support the operations of the Agency for the period covered by the plan.

(3) An identification of performance metrics for measuring the successful achievement of objectives for the period covered by the plan.

(4) An assessment of the programs and plans of the Agency with respect to research, development, test, and evaluation, including the projected resources, personnel, and supporting infrastructure needed to carry out such programs and plans.

(5) An assessment of the facilities and resources of the Agency that are used for research, development, test, and evaluation activities.

(6) A description of the plans and business case analyses supporting any significant modifications to the facilities, workforce, and resources of the Agency (including any modifications involving the expansion, divestment, consolidation, or curtailment of activities) that are proposed, projected, or recommended by the Director.

(7) Any other matters determined to be appropriate by the Director.

**SEC. 1653. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY; LIMITATION ON SOFTWARE LICENSING.**

(a) INFORMATION SECURITY MONITORING PLAN AND POLICY.—

(1) PLAN AND POLICY.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command shall jointly develop—

(A) a plan for a modernized, Department-wide automated information security continuous monitoring capability that includes—

(i) a proposed information security architecture for the capability;

(ii) a concept of operations for the capability; and

(iii) requirements with respect to the functionality and interoperability of the tools, sensors, systems, processes, and other components of the continuous monitoring capability; and

(B) a comply-to-connect policy that requires systems to automatically comply with the configurations of the networks of the Department as a condition of connecting to such networks.

(2) CONSULTATION.—In developing the plan and policy under paragraph (1), the Chief Information Officer and the Commander shall consult with the Principal Cyber Advisor to the Secretary of Defense.

(3) IMPLEMENTATION.—The Chief Information Officer and the Commander shall each issue such directives as they each consider appropriate to ensure compliance with the plan and policy developed under paragraph (1).

(4) INCLUSION IN BUDGET MATERIALS.—The Secretary of Defense shall include funding and program plans relating to the plan and policy under paragraph (1) in the budget materials submitted by the Secretary in support of the budget of the President for fiscal year 2019 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(5) INTEGRATION WITH OTHER CAPABILITIES.—The Chief Information Officer and the Commander shall ensure that information generated through automated and automation-assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes shall be accessible and usable in machine-readable form to appropriate cyber protection teams and computer network defense service providers.

(6) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by paragraph (1) shall comply with the software license inventory requirements of the plan issued pursuant to section 937 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2223 note) and updated pursuant to section 935 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2223 note).

(b) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any fiscal year thereafter for the Department of Defense may be obligated or expended on a contract for a software license with a cost of more than \$5,000,000 in a fiscal year unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply—

(A) beginning on January 1, 2018, with respect to any contract entered into by the Secretary of Defense on or after such date for the licensing of software; and

(B) beginning on January 1, 2020, with respect to any contract entered into by the Secretary for

the licensing of software that was in effect on December 31, 2017.

**SEC. 1654. REPORTS ON DETERRENCE OF ADVERSARIES IN CYBERSPACE.**

(a) REPORT OF THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States for deterring and responding to imminent threats in cyberspace and malicious cyber activities carried out against the United States by foreign governments and terrorist organizations.

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

(A) A description of the military and nonmilitary options described in paragraph (1), including citations to relevant provisions of law, regulation, or directives or other policy documents of the Federal Government.

(B) Descriptions of relevant authorities, rules of engagement, command and control structures, and response plans relating to such options, including—

(i) authorities that have been delegated by the President to the Secretary of Defense for the conduct of cyber operations;

(ii) operational authorities delegated by the Secretary to the Commander of the United States Cyber Command for military cyber operations;

(iii) identification of how the law of war applies to cyber operations of the Department of Defense;

(iv) an assessment of the effectiveness of each such option; and

(v) an integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized by armed force, function, risk areas, and long-term strategic planning issues.

(b) REPORT OF THE PRESIDENT.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of Defense submits the report under subsection (a), the President shall submit to the congressional defense committees a report describing the types of actions carried out in cyberspace against the United States that may warrant a military response.

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

(A) Discussion of the types of actions carried out in cyberspace that may warrant a military response or operation.

(B) A description of the role of the military in responding to acts of aggression in cyberspace against the United States.

(C) A description of the circumstances required for a military response to a cyber attack against the United States.

(D) A plan for articulating a declaratory policy on the use of cyber weapons by the United States.

**SEC. 1655. SENSE OF CONGRESS ON CYBER RESILIENCY OF THE NETWORKS AND COMMUNICATIONS SYSTEMS OF THE NATIONAL GUARD.**

It is the sense of Congress that, to the greatest extent practicable, the National Guard should continuously seek ways to improve, expand, and provide resources for its communications and networking systems to enhance the performance and resilience of such systems in the face of cyber attacks, disruptions, and other threats.

**Subtitle D—Nuclear Forces**

**SEC. 1661. IMPROVEMENTS TO COUNCIL ON OVERSIGHT OF NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.**

(a) RESPONSIBILITIES.—Subsection (d) of section 171a of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting before the period the following: “, and including with respect to the integrated tactical warning and attack assessment systems, processes, and enablers, and continuity of the governmental functions of the Department of Defense”; and

(2) in paragraph (2)(C), by inserting before the period the following: “(including space system architectures and associated user terminals and ground segments)”.

(b) ENSURING CAPABILITIES.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsections:

“(i) REPORTS ON SPACE ARCHITECTURE DEVELOPMENT.—(1) Not less than 90 days before each of the dates on which a system described in paragraph (2) achieves Milestone A or Milestone B approval, the Under Secretary of Defense for Acquisitions, Technology, and Logistics shall submit to the congressional defense committees a report prepared by the Council detailing the implications of any changes to the architecture of such a system with respect to the systems, capabilities, and programs covered under subsection (d).

“(2) A system described in this paragraph is any of the following:

“(A) Advanced extremely high frequency satellites.

“(B) The space-based infrared system.

“(C) The integrated tactical warning and attack assessment system and its command and control system.

“(D) The enhanced polar system.

“(3) In this subsection, the terms ‘Milestone A approval’ and ‘Milestone B approval’ have the meanings given such terms in section 2366(e) of this title.

“(j) NOTIFICATION OF REDUCTION OF CERTAIN WARNING TIME.—(1) None of the funds authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year may be used to change any command, control, and communications system described in subsection (d)(1) in a manner that reduces the warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States unless—

“(A) the Secretary of Defense notifies the congressional defense committees of such proposed change and reduction; and

“(B) a period of one year elapses following the date of such notification.

“(2) Not later than March 1, 2017, and each year thereafter, the Council shall determine whether the integrated tactical warning and attack assessment system and its command and control system have met all warfighter requirements for operational availability, survivability, and endurance. If the Council determines that such systems have not met such requirements, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees—

“(A) an explanation for such negative determination;

“(B) a description of the mitigations that are in place or being put in place as a result of such negative determination; and

“(C) the plan of the Secretary and the Chairman to ensure that the Council is able to make a positive determination in the following year.”.

(c) REPORTING REQUIREMENTS.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “At the same time” and all that follows through “title 31,” and inserting the following: “During the period preceding January 31, 2021, at the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, and from time to time after such period at the discretion of the Council.”; and

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

“(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.”.

**SEC. 1662. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.**

(a) SPECIAL NUCLEAR MATERIAL.—

(1) IN GENERAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.”.

(2) CONFORMING AMENDMENT.—The heading of such section is amended by striking “Physical protection” and inserting “Control and physical protection”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 128 and inserting the following new item:

“128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.”.

(b) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—Section 130e of such title is amended—

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—In addition to any other authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to determine whether to exempt such information from disclosure described in such subsection.

“(c) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—(1) Department of Defense critical infrastructure security information covered by a written determination under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

“(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is covered by a written determination under subsection (a) shall not apply to such information.

“(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).”.

**SEC. 1663. 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. 1664. PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.**

None of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 or 2018 may be obligated or expended to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

**SEC. 1665. LIMITATION ON AVAILABILITY OF FUNDS FOR EXTENSION OF NEW START TREATY.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Department of Defense may be obligated or expended to extend the New START Treaty unless—

(1) the Chairman of the Joint Chiefs of Staff submits the report under subsection (b);

(2) the Director of National Intelligence submits the National Intelligence Estimate under subsection (c)(2); and

(3) a period of 120 days elapses following the submission of both the report and the National Intelligence Estimate.

(b) REPORT.—The Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees a report detailing the following:

(1) The impacts on the nuclear forces and force planning of the United States with respect to a State Party to the New START Treaty developing a capability to conduct a rapid reload of its ballistic missiles.

(2) Whether any State Party to the New START Treaty has significantly increased its upload capability with non-deployed nuclear warheads and the degree to which such developments impact crisis stability and the nuclear forces, force planning, use concepts, and deterrent strategy of the United States.

(3) The extent to which non-treaty-limited nuclear or strategic conventional systems pose a threat to the United States or the allies of the United States.

(4) The extent to which violations of arms control treaty and agreement obligations pose a risk to the national security of the United States and the allies of the United States, including the perpetuation of violations ongoing as of the date of the enactment of this Act, as well as potential further violations.

(5) The extent to which—

(A) the “escalate-to-deescalate” nuclear use doctrine of the Russian Federation is deterred under the current nuclear force structure, weapons capabilities, and declaratory policy of the United States; and

(B) deterring the implementation of such a doctrine has been integrated into the war plans of the United States.

(6) The status of the nuclear weapons, nuclear weapons infrastructure, and nuclear command and control modernization activities of the United States, and the impact such status has on plans to—

(A) implement the reduction of the nuclear weapons of the United States; or

(B) further reduce the numbers and types of such weapons.

(7) Whether, and if so, the reasons that, the New START Treaty, and the extension of the treaty as of the date of the report, is in the national security interests of the United States.

(c) NATIONAL INTELLIGENCE ESTIMATE.—

(1) PRODUCTION.—The Director of National Intelligence shall produce a National Intelligence Estimate on the following:

(A) The nuclear forces and doctrine of the Russian Federation.

(B) The nuclear weapons research and production capability of Russia.

(C) The compliance of Russia with respect to arms control obligations (including treaties, agreements, and other obligations).

(D) The doctrine of Russia with respect to targeting adversary critical infrastructure and the relationship between such doctrine and other Russian war planning, including, at a minimum, “escalate-to-deescalate” concepts.

(2) SUBMISSION.—The Director of National Intelligence shall submit, consistent with the protection of sources and methods, to the appropriate congressional committees the National Intelligence Estimate produced under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committees on Armed Services of the House of Representatives and the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

**SEC. 1666. CERTIFICATIONS REGARDING INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT MISSION OF THE AIR FORCE.**

(a) ANNUAL CERTIFICATION.—Not later than March 31, 2017, and each year thereafter through 2020, the Commander of the United States Strategic Command shall certify to the Secretary of Defense and the congressional defense committees that—

(1) the Air Force is appropriately organized, staffed, trained, and equipped to carry out the portions of the integrated tactical warning and attack assessment mission assigned to the Air Force that are survivable and endurable; and

(2) the programs and plans of the Air Force for sustaining, modernizing, training, and exercising capabilities relating to such mission are sufficient to ensure the success of the mission.

(b) INABILITY TO CERTIFY.—If the Commander does not make a certification under subsection (a) by March 31 of any year in which a certification is required under such subsection, the Secretary of the Air Force shall take immediate actions to consolidate all terrestrial and aerial components of the integrated tactical warning and attack assessment system of the Air Force that are survivable and endurable under the major command of the Air Force commanded by the single general officer that is responsible for all aspects of the Air Force nuclear mission, as described by Air Force Program Action Directive D16-01 dated August 2, 2016.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect any responsibilities and authorities relating to the integrated tactical warning and attack assessment system in effect on the date of the enactment of this Act pursuant to the Agreement Between the Government of the United States of America and the Government of Canada on the North American Aerospace Defense Command and the terms of reference for the North American Aerospace Defense Command.

**SEC. 1667. MATTERS RELATING TO INTERCONTINENTAL BALLISTIC MISSILES.**

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made

available for fiscal year 2017 for the Department of Defense shall be obligated or expended for—

(A) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(B) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any of the following activities:

(A) The maintenance or sustenance of intercontinental ballistic missiles.

(B) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

(C) Reduction in the number of deployed intercontinental ballistic missiles that are carried out in compliance with—

(i) the limitations of the New START Treaty (as defined in section 494(a)(2)(D) of title 10, United States Code); and

(ii) section 1644 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651; 10 U.S.C. 494 note).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force and the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees a report regarding efforts to carry out section 1057 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 495 note).

(2) ELEMENTS.—The report under paragraph (1) shall include the following with respect to the period of the expected lifespan of the Minuteman III system:

(A) The number of nuclear warheads required to support the capability to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet.

(B) The current and planned (through 2030) readiness state of nuclear warheads intended to support the capability to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet, including which portion of the active or inactive stockpile such warheads are classified within.

(C) The current and planned (through 2030) reserve of components or subsystems required to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet, including the plans or industrial capability and capacity to produce more such components or subsystems, if needed.

(D) The current and planned (through 2030) time required to commence redeployment of multiple independently retargetable reentry vehicles across the intercontinental ballistic missile fleet, including the time required to finish deployment across the full fleet.

(E) The estimated cost of maintaining the capability and warheads required to redeploy multiple independently retargetable reentry vehicles across the full intercontinental ballistic missile fleet.

**SEC. 1668. REQUESTS FOR FORCES TO MEET SECURITY REQUIREMENTS FOR LAND-BASED NUCLEAR FORCES.**

(a) EXPEDITED DECISION FOR SECURING LAND-BASED MISSILE FIELDS.—To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) if the Chairman determines the implementation of the decision to be warranted to miti-

gate any risk posed to the nuclear forces of the United States—

(A) not later than 60 days after such date of enactment, implement that decision; or

(B) if the Secretary cannot implement that decision during the period specified in subparagraph (A), not later than 45 days after such date of enactment, submit to Congress a report that includes a proposal for the date by which the Secretary can implement that decision and a plan to carry out that proposal.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics, not more than 75 percent may be obligated or expended until the date on which the Under Secretary certifies to the congressional defense committees that there is an acquisition process in place to ensure that a UH–1N replacement aircraft is under contract in fiscal year 2018.

**SEC. 1669. REPORT ON RUSSIAN AND CHINESE POLITICAL AND MILITARY LEADERSHIP SURVIVABILITY, COMMAND AND CONTROL, AND CONTINUITY OF GOVERNMENT PROGRAMS AND ACTIVITIES.**

(a) REPORT.—Not later than January 15, 2017, the Director of National Intelligence shall submit to the appropriate congressional committees, consistent with the protection of sources and methods, a report on the leadership survivability, command and control, and continuity of government programs and activities with respect to the People’s Republic of China and the Russian Federation, respectively. The report shall include the following:

(1) The goals and objectives of such programs and activities of each respective country.

(2) An assessment of how such programs and activities fit into the political and military doctrine and strategy of each respective country.

(3) An assessment of the size and scope of such activities, including the location and description of above-ground and underground facilities important to the political and military leadership survivability, command and control, and continuity of government programs and activities of each respective country.

(4) An identification of which facilities various senior political and military leaders of each respective country are expected to operate out of during crisis and wartime.

(5) A technical assessment of the political and military means and methods for command and control in wartime of each respective country.

(6) An identification of key officials and organizations of each respective country involved in managing and operating such facilities, programs, and activities, including the command structure for each organization involved in such programs and activities.

(7) An assessment of how senior leaders of each respective country measure the effectiveness of such programs and activities.

(8) An estimate of the annual cost of such programs and activities.

(9) An assessment of the degree of enhanced survivability such programs and activities can be expected to provide in various military scenarios ranging from limited conventional conflict to strategic nuclear employment.

(10) An assessment of the type and extent of foreign assistance, if any, in such programs and activities.

(11) An assessment of the status and the effectiveness of the intelligence collection of the United States on such programs and capabilities, and any gaps in such collection.

(12) Any other matters the Director determines appropriate.

(b) COUNCIL ASSESSMENT.—Not later than 90 days after the date on which the Director submits the report under subsection (a), the Council on Oversight of the National Leadership Command, Control, and Communications System es-

tablished by section 171a of title 10, United States Code, shall submit to the appropriate congressional committees an assessment of how the command, control, and communications systems for the national leadership of the People’s Republic of China and the Russian Federation, respectively, compare to such system of the United States.

(c) STRATCOM.—Together with the assessment submitted under subsection (b), the Commander of the United States Strategic Command shall submit to the appropriate congressional committees the views of the Commander on the report under subsection (a), including a detailed description for how the leadership survivability, command and control, and continuity of government programs and activities of the People’s Republic of China and the Russian Federation, respectively, are considered in the plans and options under the responsibility of the Commander under the unified command plan.

(d) FORMS.—Each report or assessment submitted under this section may be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 1670. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear enterprise of the Department of Defense, including the National Leadership Command Capability and Nuclear Command, Control, and Communications Enterprise Review.

(b) BRIEFING.—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

(c) CONFORMING REPEAL.—Section 1658 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1125) is repealed.

**SEC. 1671. SENSE OF CONGRESS ON NUCLEAR DETERRENCE.**

It is the sense of Congress that—

(1) the nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and the allies of the United States in an increasingly dangerous world in which foreign adversaries, including the Russian Federation, are making explicit nuclear threats against the United States and such allies;

(2) strong United States nuclear forces assure the allies of the United States that the extended deterrence guarantees of the United States are credible and that the resolve of the United States remains strong even in the face of nuclear provocations, including nuclear coercion and blackmail;

(3) the prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary;

(4) possessing a range of capabilities and options to counter nuclear threats assures the allies of the United States and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of such allies and potential adversaries;

(5) the declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences;

(6) in support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable aircraft, and related command and control elements; and

(C) ensure the broadest participation of allies of the United States in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and such allies and their solidarity against nuclear threats and coercion; and

(7) with respect to the North Atlantic Treaty Organization (NATO)—

(A) NATO has made it clear at the NATO summit in Warsaw, Poland, in July 2018, that—

(i) “the fundamental purpose of NATO’s nuclear capability is to preserve peace, prevent coercion, and deter aggression.”; and

(ii) “Nuclear weapons are unique. Any employment of nuclear weapons against NATO would fundamentally alter the nature of a conflict. The circumstances in which NATO might have to use nuclear weapons are extremely remote. If the fundamental security of any of its members were to be threatened however, NATO has the capabilities and resolve to impose costs on an adversary that would be unacceptable and far outweigh the benefits that an adversary could hope to achieve.”; and

(B) accordingly, effective deterrence requires that NATO conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.

**SEC. 1672. SENSE OF CONGRESS ON IMPORTANCE OF INDEPENDENT NUCLEAR DETERRENT OF UNITED KINGDOM.**

It is the sense of Congress that—

(1) the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States;

(2) nuclear deterrence is and will continue to be the highest priority mission of the Department of Defense and the United States benefits when the closest ally of the United States clearly and unequivocally sets similar priorities;

(3) the United States sees the nuclear deterrent of the United Kingdom as central to trans-Atlantic security and to the commitment of the United Kingdom to NATO to spend two percent of gross domestic product on defense;

(4) the commitment of the United Kingdom to maintain a continuous at-sea deterrence posture today and in the future complements the deterrent capabilities of the United States and provides a credible “second center of decision making” which ensures potential attackers cannot discount the solidarity of the mutual relationship of the United States and the United Kingdom;

(5) the United States Navy must execute the Ohio-class replacement submarine program on time and within budget, seeking efficiencies and cost savings wherever possible, to ensure that the program delivers a Common Missile Compartment, the Trident II (D5) Strategic Weapon System, and associated equipment and production capabilities, that support the successful de-

velopment and deployment of the Dreadnought submarines of the United Kingdom; and

(6) the close technical collaboration, especially expert mutual scientific peer review, provides valuable resilience and cost effectiveness to the respective deterrence programs of the United States and the United Kingdom.

**Subtitle E—Missile Defense Programs**

**SEC. 1681. NATIONAL MISSILE DEFENSE POLICY.**

(a) POLICY.—It is the policy of the United States to maintain and improve an effective, robust layered missile defense system capable of defending the territory of the United States, allies, deployed forces, and capabilities against the developing and increasingly complex ballistic missile threat with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) CONFORMING REPEAL.—Section 2 of the National Missile Defense Act of 1999 (Public Law 106-38; 10 U.S.C. 2431 note) is repealed.

**SEC. 1682. EXTENSIONS OF PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.**

(a) PROHIBITION ON INTEGRATION OF CERTAIN MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Section 130h of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e);

(B) by inserting after subsection (c) the following new subsection (d):

“(d) INTEGRATION.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation or a missile defense system of the People’s Republic of China into any missile defense system of the United States.”; and

(C) by striking the section heading and inserting the following: “**Prohibitions relating to missile defense information and systems**”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of title 10, United States Code, is amended by striking the item relating to section 130h and inserting the following new item:

“130h. Prohibitions relating to missile defense information and systems.”.

(3) CONFORMING REPEALS.—Sections 1672 and 1673 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1130) are repealed.

(b) EXTENSION OF SUNSET.—Section 130h(e) of title 10, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

“(e) SUNSET.—The prohibitions in subsections (a), (b), and (d) shall expire on January 1, 2019.”.

**SEC. 1683. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.**

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: “for each fiscal year over the five-fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027”; and

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

“(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).”.

**SEC. 1684. REVIEW OF THE MISSILE DEFEAT POLICY AND STRATEGY OF THE UNITED STATES.**

(a) NEW REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff

shall jointly conduct a new review of the missile defeat capability, policy, and strategy of the United States, with respect to—

(1) left- and right-of-launch ballistic missile defense for—

(A) both regional and homeland purposes; and  
(B) the full range of active, passive, kinetic, and nonkinetic defense measures across the full spectrum of land-, air-, sea-, and space-based platforms;

(2) the integration of offensive and defensive forces for the defeat of ballistic missiles, including against weapons initially deployed on ballistic missiles, such as hypersonic glide vehicles; and

(3) cruise missile defense of the homeland.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The missile defeat policy, strategy, and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(2) The role of deterrence in the missile defeat policy and strategy of the United States.

(3) The missile defeat posture, capability, and force structure of the United States.

(4) With respect to both the five- and ten-year periods beginning on the date of the review, the planned and desired end-state of the missile defeat programs of the United States, including regarding the integration and interoperability of such programs with the joint forces and the integration and interoperability of such programs with allies, and specific benchmarks, milestones, and key steps required to reach such end-states.

(5) The process for determining requirements, force structure, and inventory objectives for missile defeat capabilities under such programs, including input from the joint military requirements process.

(6) The organization, execution, and oversight of acquisition for the missile defeat programs of the United States.

(7) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs and the process for ensuring accountability of each stakeholder.

(8) Standards for the military utility, operational effectiveness, suitability, and survivability of the missile defeat systems of the United States.

(9) The method in which resources for the missile defeat mission are planned, programmed, and budgeted within the Department of Defense.

(10) The near-term and long-term costs and cost effectiveness of such programs.

(11) The options for affecting the offense-defense cost curve.

(12) The role of international cooperation in the missile defeat policy and strategy of the United States and the plans, policies, and requirements for integration and interoperability of missile defeat capability with allies.

(13) Options for increasing the frequency of the codevelopment of missile defeat capabilities with allies of the United States in the near-term and far-term.

(14) Declaratory policy governing the employment of missile defeat capabilities and the military options and plans and employment options of such capabilities.

(15) The role of multi-mission defense and other assets of the United States, including space and terrestrial sensors and plans to achieve multi-mission capability in current, planned, and other future assets and acquisition programs.

(16) The indications and warning required to meet the missile defeat strategy and objectives of the United States described in paragraph (1) and the key enablers and programs to achieve such indications and warning.

(17) The impact of the mobility, countermeasures, and denial and deception capabilities of adversaries on the indications and warning

described in paragraph (16) and the consequences on the missile defeat capability, objectives, and military options of the United States and the plans of the combatant commanders.

(18) Any other matters the Secretary determines relevant.

(c) **REPORTS.**—

(1) **RESULTS.**—Not later than January 31, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

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

(3) **ANNUAL IMPLEMENTATION UPDATES.**—During the five-year period beginning on the date of the submission of the report under paragraph (1), the Director of Cost Assessment and Program Evaluation shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees annual status updates detailing the progress of the Secretary in implementing the missile defeat strategy of the United States.

(4) **THREAT REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an unclassified summary, consistent with the protection of intelligence sources and methods, of—

(A) as of the date of the report required by this paragraph, the ballistic and cruise missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short-, medium-, intermediate-, and long-range nuclear and non-nuclear ballistic and cruise missile threats; and

(B) an assessment of such threat in 2026.

(5) **DECLARATORY POLICY, CONCEPT OF OPERATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-OF-LAUNCH CAPABILITY.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees the following:

(A) The unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States against potential targets.

(B) Both the classified and unclassified concept of operations for the use of such capability across and between the combatant commands.

(C) Both the classified and unclassified employment strategy, plans, and options for such capability.

(d) **NOTIFICATION.**—

(1) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or fiscal year 2018 for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 180 days has elapsed following the date of such notification.

(2) **NON-STANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.**—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

(e) **DESIGNATION REQUIRED.**—

(1) **AUTHORITY.**—Not later than March 31, 2018, the Secretary of Defense shall designate a military department or Defense Agency with acquisition authority with respect to—

(A) the capability to defend the homeland from cruise missiles; and

(B) left-of-launch ballistic missile defeat capability.

(2) **DISCRETION.**—The Secretary may designate a single military department or Defense Agency with the acquisition authority described in paragraph (1) or designate a separate military department or Defense Agency for each function specified in such paragraph.

(3) **VALIDATION.**—In making a designation under paragraph (1), the Secretary shall include a description of the manner in which the military requirements for such capabilities will be validated.

(f) **DEFINITIONS.**—In this section:

(1) The term “Defense Agency” has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(2) The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

**SEC. 1685. MAXIMIZING AEGIS ASHORE CAPABILITY AND DEVELOPING MEDIUM RANGE DISCRIMINATION RADAR.**

(a) **ANTI-AIR WARFARE CAPABILITY OF AEGIS ASHORE SITES.**—

(1) **AUTHORIZATION.**—Using funds authorized to be appropriated by sections 101 and 201 of this Act or otherwise made available for fiscal year 2017 for procurement and research, development, test, and evaluation, the Secretary of Defense shall continue the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland.

(2) **LONG-LEAD COMPONENTS.**—Of the funds specified in paragraph (1), not more than \$25,000,000 may be obligated or expended for the procurement of long-lead components to provide the anti-air warfare capabilities described in such paragraph.

(3) **REPROGRAMMING AND TRANSFERS.**—Any reprogramming or transfer made to carry out paragraph (1) shall be carried out in accordance with established procedures for reprogramming or transfers.

(b) **AEGIS ASHORE CAPABILITY EVALUATION.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees an evaluation of the ballistic missile and air threat against the continental United States and the efficacy (including with respect to cost, ideal and optimal deployment locations, and potential deployment schedule) of deploying one or more Aegis Ashore sites and Aegis Ashore components for the ballistic and cruise missile defense of the continental United States.

(c) **AEGIS ASHORE SITE AND MEDIUM RANGE DISCRIMINATION RADAR ON THE PACIFIC MISSILE RANGE FACILITY.**—

(1) **LIMITATION.**—During fiscal year 2017, the Secretary of Defense may not reduce the manning levels or test capability, as such levels and capability existed on January 1, 2015, of the Aegis Ashore site at the Pacific Missile Range Facility in Hawaii, including by putting such site into a “cold” or “stand by” status.

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—

(A) Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall notify the congressional defense committees on whether the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii identified by the report under section 1689(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1144) would require an update to the environmental impact statement required for constructing the Aegis Ashore site at the Pacific Missile Range Facility.

(B) In carrying out the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, if the Director determines that an updated environ-

mental impact statement, a new environmental impact statement, or another action is required or recommended pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), the Director shall commence such action by not later than 60 days after the date on which the Director makes the notification under subparagraph (A).

(3) **EVALUATION.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees an evaluation of the ballistic missile and air threat against Hawaii (including with respect to threats to the Armed Forces and installations located in Hawaii) and the efficacy (including with respect to cost and potential alternatives) of—

(A) making the Aegis Ashore site at the Pacific Missile Range Facility operational;

(B) deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii described in paragraph (2)(A); and

(C) any other alternative the Secretary and the Chairman determine appropriate.

(d) **FORMS.**—The evaluations submitted under subsections (b) and (c)(3) shall each be submitted in unclassified form, but may each include a classified annex.

**SEC. 1686. TECHNICAL AUTHORITY FOR INTEGRATED AIR AND MISSILE DEFENSE ACTIVITIES AND PROGRAMS.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—The Director of the Missile Defense Agency is the technical authority of the Department of Defense for integrated air and missile defense activities and programs, including joint engineering and integration efforts for such activities and programs, including with respect to defining and controlling the interfaces of such activities and programs and the allocation of technical requirements for such activities and programs.

(2) **DETAILLEES.**—

(A) In carrying out the technical authority under paragraph (1), the Director may seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary in accordance with subparagraph (B).

(B) In detailing staff under subparagraph (A) to carry out the technical authority under paragraph (1), the total number of staff, including detailees, of the Missile Defense Agency who carry out such authority may not exceed the number that is twice the number of such staff carrying out such authority as of January 1, 2016.

(b) **ASSESSMENTS AND PLANS.**—

(1) **BIENNIAL SUBMISSION.**—Not later than January 31, 2017, and biennially thereafter through 2021, the Director shall submit to the congressional defense committees an assessment of the state of integration and interoperability of the integrated air and missile defense capabilities of the Department of Defense.

(2) **ELEMENTS.**—Each assessment under paragraph (1) shall include the following:

(A) Identification of any gaps in the integration and interoperability of the integrated air and missile defense capabilities of the Department.

(B) A description of the options to improve such capabilities and remediate such gaps.

(C) A plan to carry out such improvements and remediations, including milestones and costs for such plan.

(3) **FORM.**—Each assessment under paragraph (1) shall be submitted in classified form unless the Director determines that submitting such assessment in unclassified form is useful and expedient.

**SEC. 1687. HYPERSONIC DEFENSE CAPABILITY DEVELOPMENT.**

(a) EXECUTIVE AGENT.—The Director of the Missile Defense Agency shall serve as the executive agent for the Department of Defense for the development of a capability by the United States to counter hypersonic boost-glide vehicle capabilities and conventional prompt strike capabilities that may be employed against the United States, the allies of the United States, and the deployed forces of the United States.

(b) DUTIES.—In carrying out subsection (a), the Director shall—

(1) develop architectures for a hypersonic defense capability, from detecting threats to intercepting such threats, that—

(A) involves systems of the military departments and the Defense Agencies; and

(B) includes both kinetic and nonkinetic options for such interception; and

(2) not later than September 30, 2017, establish a program of record to develop a hypersonic defense capability.

(c) REPORTS REQUIRED.—Not later than March 31, 2017—

(1) the Director shall submit to the congressional defense committees a report on the architectures and sensors evaluated pursuant to subsection (b); and

(2) the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military capability or capabilities and capability gaps relating to the threat posed by hypersonic boost-glide vehicles and maneuvering ballistic missiles to the United States, the allies of the United States, and the deployed forces of the United States.

(d) NOTIFICATION OF FUNDING PROCEDURES.—Not later than 90 days after the date on which the Director submits the report under subsection (c)(1), the Director shall notify the congressional defense committees with respect to whether the Director intends to use established procedures for reprogramming or transfers to carry out subsection (a) to conduct activities regarding experimentation, modeling and simulation, or research and development, to develop a hypersonic defense capability.

(e) DEFINITIONS.—In this section:

(1) The term “Defense Agencies” has the meaning given that term in section 101(a)(11) of title 10, United States Code.

(2) The term “executive agent” has the meaning given the term “DoD Executive Agent” in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(3) The term “hypersonic defense capability” means the capability to counter hypersonic boost-glide vehicles and conventional prompt strike ballistic missiles.

**SEC. 1688. CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.**

(a) MILESTONE A APPROVAL DECISION.—The Secretary of Defense shall make a decision regarding Milestone A approval (as defined in section 2366(e) of title 10, United States Code) for the conventional prompt global strike weapons system not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 240 days after the date of the successful completion of intermediate range flight 2 of such system.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Defense-wide, for the conventional prompt global strike weapons system, not more than 75 percent may be obligated or expended until the date on which the Chairman of the Joint Chiefs of Staff, in consultation with the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Strategic Command, submits to the congressional defense committees a report on—

(1) whether there are warfighter requirements or integrated priorities list submitted needs for a limited operational conventional prompt strike capability; and

(2) whether the program plan and schedule proposed by the program office in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics supports such requirements and integrated priorities lists submissions.

**SEC. 1689. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

(5) The satisfaction of the “fly before buy” acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) Such a test would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pre-test design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under such 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. 1690. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND CO-PRODUCTION.**

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for pro-

urement, Defense-wide, and available for the Missile Defense Agency, not more than \$62,000,000 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 interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral international agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2017 for procurement, Defense-wide, and available for the Missile Defense Agency—

(A) not more than \$150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and

(B) not more than \$120,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.

(2) CERTIFICATION.—

(A) CRITERIA.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a certification that—

(i) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the David’s Sling Weapon System and the Arrow 3 Upper Tier Development Program, respectively;

(ii) funds specified in subparagraphs (A) and (B) of paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel for such respective systems or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(iii) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(I) in accordance with clause (iv), the terms of coproduction of parts and components of such respective systems on the basis of the greatest practicable coproduction of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitation expenses to the costs needed for coproduction;

(II) complete transparency on the requirement of Israel for the number of interceptors and batteries of such respective systems that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(III) technical milestones for coproduction of parts and components and procurement of such respective systems; and

(IV) joint approval processes for third-party sales of such respective systems and the components of such respective systems;

(v) the level of coproduction described in clause (iii)(I) for the Arrow 3 Upper Tier Interceptor Program and the David's Sling Weapon System is not less than 50 percent; and

(v) of the funds specified in subparagraph (B) of paragraph (1), not more than \$5,000,000 may be obligated or expended to cover costs related to any delays, including delays with respect to exchanging technical data or specifications, of the Arrow 3 Upper Tier Interceptor Program.

(B) NUMBER.—In carrying out subparagraph (A), the Under Secretary may submit—

(i) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(ii) separate certifications for each respective system.

(C) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification under subparagraph (A) by not later than 60 days before the funds specified in paragraph (1) for the respective system covered by the certification are provided to the Government of Israel.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in subparagraphs (A) and (B) of paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of either David's Sling Weapon System or the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes coproduction in the United States without incurring non-recurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(c) LIMITATION ON FUNDING FOR DAVID'S SLING WEAPON SYSTEM.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1135) that remain available and are unobligated as of the date of the enactment of this Act may be obligated or expended until the appropriate congressional committees receive the plan required by subsection (d) of such section.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 1691. LIMITATIONS ON AVAILABILITY OF FUNDS FOR LOWER TIER AIR AND MISSILE DEFENSE CAPABILITY OF THE ARMY.**

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for lower tier mis-

sile defense capability (PE 0604114A) radar replacement, not more than 75 percent may be obligated or expended until each of the following occurs:

(1) The Director of the Missile Defense Agency, in coordination with the Chief of Staff of the Army, submits to the congressional defense committees a report on the manner in which the Director, acting as the technical integrating authority for air and missile defense, will ensure that the lower tier air and missile defense radar will meet the requirements of the commanders of the combatant commands for interoperability with the ballistic missile defense system and other air and missile defense capabilities deployed and planned to be deployed by the United States, including the establishment of key military requirements for such integrated capability and program development milestones.

(2) The Chairman of the Joint Chiefs of Staff—

(A) certifies to the congressional defense committees that the planned lower tier air and missile defense radar of the Army is being designed to fully support the required attributes for modularity sought by the commanders of the geographic combatant commands, including a description of such required attributes and the key milestones that will be used to ensure such modularity is achieved; and

(B) notifies the congressional defense committees of any objective requirements not met in the threshold requirement for the air and missile defense capability of the Army, including an assessment of any resulting capability gaps to military air and missile defense capability.

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for lower tier missile defense capability (PE 0604114A) radar replacement, not more than 90 percent may be obligated or expended until the date on which the Chief of Staff of the Army, in coordination with the Secretary of the Army, submits to the congressional defense committees a determination regarding—

(1) whether the technology demonstration and knowledge points progression of the technology maturation and risk reduction phase of the lower tier air and missile defense radar acquisition program support a fair, full, and open acquisition program that can begin low-rate initial production earlier than 2021; and

(2) if such production can begin earlier than 2021, what steps the Chief of Staff is taking to achieve such an earlier production date.

(c) NOTIFICATION ON DELEGATION.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees as to whether the Under Secretary will delegate to the Secretary of the Army the acquisition authority for the lower tier air and missile defense radar program of the Army.

(d) NOTIFICATION ON FUNDING.—Not later than 30 days after the completion of the technology demonstration phase of the lower tier air and missile defense radar acquisition program, the Secretary of the Army shall notify the congressional defense committees whether the Secretary could carry out a reprogramming or transfer of funds previously authorized to be appropriated for another purpose (in accordance with established procedures for reprogramming or transfers) to meaningfully accelerate the acquisition program and, if so, how.

**SEC. 1692. PILOT PROGRAM ON LOSS OF UNCLASSIFIED, CONTROLLED TECHNICAL INFORMATION.**

(a) PILOT PROGRAM.—Beginning not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency (including the contractors of the Agen-

cy), particularly with respect to unclassified, controlled technical information and controlled unclassified information.

(b) PRIORITY.—In carrying out the pilot program under subsection (a), the Director shall give priority to implementing data protection options that are used by the private sector and have been proven successful.

(c) DURATION.—The Director shall carry out the pilot program under subsection (a) for not more than a 5-year period.

(d) NOTIFICATION.—Not later than 30 days before the date on which the Director commences the pilot program under subsection (a), the Director shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of—

(1) the data protection options that the Director is considering to implement under the pilot program and the potential costs of such options; and

(2) such option that is the preferred option of the Director.

(e) DATA PROTECTION OPTIONS.—In this section, the term "data protection options" means actions to improve processes, practices, and systems that relate to the safeguarding, hygiene, and data protection of information.

**SEC. 1693. PLAN FOR PROCUREMENT OF MEDIUM-RANGE DISCRIMINATION RADAR TO IMPROVE HOMELAND MISSILE DEFENSE.**

(a) PLAN.—

(1) DEVELOPMENT.—The Director of the Missile Defense Agency shall develop a plan to—

(A) procure a medium-range discrimination radar or equivalent sensor for a location the Director determines will improve homeland missile defense for the defense of Hawaii from the limited ballistic missile threat (including accidental or unauthorized launch); and

(B) field such radar or equivalent sensor by not later than December 31, 2021.

(2) SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees the plan developed under paragraph (1).

(b) REQUEST FOR PROPOSALS.—Not later than October 1, 2017, the Director shall issue a request for proposals for the medium-range discrimination radar or equivalent sensor specified in subsection (a)(1)(A).

**SEC. 1694. REVIEW OF MISSILE DEFENSE AGENCY BUDGET SUBMISSIONS FOR GROUND-BASED MIDCOURSE DEFENSE AND EVALUATION OF ALTERNATIVE GROUND-BASED INTERCEPTOR DEPLOYMENTS.**

(a) BUDGET SUFFICIENCY.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees a report on the ground-based midcourse defense system.

(2) ELEMENTS.—The report under paragraph (1) shall include an evaluation of each of the following:

(A) The modernization requirements for the ground-based midcourse system, including all command and control, ground systems, sensors and sensor interfaces, boosters and kill vehicles, and integration of known future systems and components.

(B) The obsolescence of such systems and components.

(C) The industrial base requirements relating to the ground-based midcourse system, as determined by the Director of the Missile Defense Agency.

(D) The extent to which the estimated levels of annual funding included in the most recent budget and the future-years defense program submitted under section 221 of title 10, United States Code, fully fund the requirements under subparagraph (A).

(3) **UPDATES.**—Not later than 30 days after the date on which each budget is submitted through January 31, 2021, the Director shall submit to the congressional defense committees an update to the report under paragraph (1).

(b) **EVALUATION OF TRANSPORTABLE GROUND-BASED INTERCEPTOR.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on transportable ground-based interceptors. Such report shall detail the views of the Director regarding—

(1) the cost that is unconstrained by current projected budget levels for the Missile Defense Agency (including a detailed program development production and deployment cost and schedule for the earliest technically possible deployment), the associated manning, and the comparative cost (including as compared to developing a fixed ground-based interceptor site), technical readiness, and feasibility of a transportable ground-based interceptor as a means to deploy additional ground-based interceptors for the defense of the United States and the operational value of a transportable ground-based interceptor for the defense of the homeland against a limited ballistic missile attack, including from accidental or unauthorized ballistic missile launch;

(2) the type and number of flight and or intercept tests that would be required to validate the capability and compatibility of a transportable ground-based interceptor in the ballistic missile defense system;

(3) the enabling capabilities, and the cost of such capabilities, to support such a system;

(4) any safety consideration of a transportable ground-based interceptor; and

(5) other matters that the Director determines pertinent to such a system.

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

(d) **DEFINITIONS.**—In this section, the terms “budget” and “defense budget materials” have the meanings given those terms in section 231 of title 10, United States Code.

**SEC. 1695. SEMIANNUAL NOTIFICATIONS ON MISSILE DEFENSE TESTS AND COSTS.**

(a) **NOTIFICATIONS.**—Not less than once every 180-day period beginning 90 days after the date of the enactment of this Act and ending on January 31, 2021, the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification on—

(1) the outcome of each planned flight test, including intercept tests, occurring during the period covered by the notification; and

(2) flight tests, including intercept tests, planned to occur after the date of the notification.

(b) **ELEMENTS.**—Each notification shall include the following:

(1) With respect to each test described in subsection (a)(1)—

(A) the cost;

(B) any changes made to the scope or objectives of the test, or future tests, and an explanation for such changes;

(C) in the event of a failure of the test or a decision to delay or cancel the test—

(i) the reasons such test did not succeed or occur;

(ii) the funds expended on such attempted test; and

(iii) in the case of a test failure or cancelled test that is the result of contractor performance, the contractor liability, if appropriate, as compared to the cost of such test and potential retest; and

(D) the plan to conduct a retest, if necessary, and an estimate of the cost of such retest.

(2) With respect to each test described in subsection (a)(2)—

(A) any changes made to the scope of the test;

(B) whether the test was to occur earlier but was delayed; and

(C) an explanation for any such changes or delays.

(3) The status of any open failure review boards or any failure review boards completed during the period covered by the notification.

(c) **FORM.**—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1696. REPORTS ON UNFUNDED PRIORITIES OF THE MISSILE DEFENSE AGENCY.**

(a) **REPORTS.**—Not later than 10 days after the date on which the budget of the President for each of fiscal years 2018 and 2019 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

(b) **ELEMENTS.**—

(1) **IN GENERAL.**—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

(2) **PRIORITIZATION OF PRIORITIES.**—Each report under subsection (a) shall present the unfunded priorities covered by such report in order of urgency of priority.

(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement of the Missile Defense Agency that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated requirement; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Director of the Missile Defense Agency in connection with the budget if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement has emerged since the budget was formulated.

**Subtitle F—Other Matters**

**SEC. 1697. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.**

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

**“§ 130i. Protection of certain facilities and assets from unmanned aircraft**

“(a) **AUTHORITY.**—Notwithstanding any provision of title 18, the Secretary of Defense may take, and may authorize the armed forces to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

“(b) **ACTIONS DESCRIBED.**—(1) The actions described in this paragraph are the following:

“(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

“(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

“(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

“(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

“(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

“(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

“(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

“(c) **FORFEITURE.**—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

“(d) **REGULATIONS.**—The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘covered facility or asset’ means any facility or asset that—

“(A) is identified by the Secretary of Defense for purposes of this section;

“(B) is located in the United States (including the territories and possessions of the United States); and

“(C) relates to—

“(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

“(ii) the missile defense mission of the Department; or

“(iii) the national security space mission of the Department.

“(2) The terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130h the following new item:

“130i. Protection of certain facilities and assets from unmanned aircraft.”

**SEC. 1698. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.**

(a) **FEDERAL COMMUNICATIONS COMMISSION CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.**—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

**“SEC. 343. CONDITIONS ON COMMERCIAL TERRESTRIAL OPERATIONS.**

“(a) **IN GENERAL.**—The Commission shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until the date that is 90 days after the Commission resolves concerns of widespread harmful interference by such operations in such band to covered GPS devices.

“(b) **NOTICE TO CONGRESS.**—

“(1) *IN GENERAL.*—At the conclusion of the decision regarding whether to permit such operations in such band, the Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing the final decision of the Commission. If the decision is to permit such operations in such band, such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

“(2) *CONGRESSIONAL COMMITTEES DESCRIBED.*—The congressional committees described in this paragraph are the following:

“(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

“(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

“(c) *COVERED GPS DEVICE DEFINED.*—In this section, the term ‘covered GPS device’ means a Global Positioning System device of the Department of Defense.”

(b) *SECRETARY OF DEFENSE REVIEW OF HARMFUL INTERFERENCE.*—

(1) *REVIEW.*—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the date referred to in paragraph (3), the Secretary of Defense shall conduct a review to—

(A) assess the ability of covered GPS devices to receive signals from Global Positioning System satellites without widespread harmful interference; and

(B) determine if commercial communications services are causing or will cause widespread harmful interference with covered GPS devices.

(2) *NOTICE TO CONGRESS.*—

(A) *NOTICE.*—If the Secretary of Defense determines during a review under paragraph (1) that commercial communications services are causing or will cause widespread harmful interference with covered GPS devices, the Secretary shall promptly submit to the congressional defense committees notice of such interference.

(B) *CONTENTS.*—The notice required under subparagraph (A) shall include—

(i) a list and description of the covered GPS devices that are being or expected to be interfered with by commercial communications services;

(ii) a description of the source of, and the entity causing or expected to cause, the interference with such devices;

(iii) a description of the manner in which such source or such entity is causing or expected to cause such interference;

(iv) a description of the magnitude of harm caused or expected to be caused by such interference;

(v) a description of the duration of and the conditions and circumstances under which such interference is occurring or expected to occur;

(vi) a description of the impact of such interference on the national security interests of the United States; and

(vii) a description of the plans of the Secretary to address, alleviate, or mitigate such interference, including the cost of such plans.

(C) *FORM.*—The notice required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(3) *TERMINATION DATE.*—The date referred to in this paragraph is the earlier of—

(A) the date that is two years after the date of the enactment of this Act; or

(B) the date on which the Secretary—

(i) determines that commercial communications services are not causing any widespread harmful interference with covered GPS devices; and

(ii) submits to the congressional defense committees notice of the determination made under clause (i).

(c) *COVERED GPS DEVICE DEFINED.*—In this section, the term ‘covered GPS device’ means a Global Positioning System device of the Department of Defense.

(d) *CONFORMING REPEAL.*—Section 911 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1534) is repealed.

## TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Sec. 1701. Short title.

Sec. 1702. Recognition of the suffering and loyalty of the residents of Guam.

Sec. 1703. Guam World War II Claims Fund.

Sec. 1704. Payments for Guam World War II claims.

Sec. 1705. Adjudication.

Sec. 1706. Grants program to memorialize the occupation of Guam during World War II.

Sec. 1707. Authorization of appropriations.

### SEC. 1701. SHORT TITLE.

This title may be cited as the ‘‘Guam World War II Loyalty Recognition Act’’.

### SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) *RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.*—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) *RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.*—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

### SEC. 1703. GUAM WORLD WAR II CLAIMS FUND.

(a) *ESTABLISHMENT OF FUND.*—The Secretary of the Treasury shall establish in the Treasury of the United States a special fund (in this title referred to as the ‘‘Claims Fund’’) for the payment of claims submitted by compensable Guam victims and survivors of compensable Guam decedents in accordance with sections 1704 and 1705.

(b) *COMPOSITION OF FUND.*—The Claims Fund established under subsection (a) shall be composed of amounts deposited into the Claims Fund under subsection (c) and any other payments made available for the payment of claims under this title.

(c) *PAYMENT OF CERTAIN DUTIES, TAXES, AND FEES COLLECTED FROM GUAM DEPOSITED INTO FUND.*—

(1) *IN GENERAL.*—Notwithstanding section 30 of the Organic Act of Guam (48 U.S.C. 1421h), the excess of—

(A) any amount of duties, taxes, and fees collected under such section after fiscal year 2014, over

(B) the amount of duties, taxes, and fees collected under such section during fiscal year 2014, shall be deposited into the Claims Fund.

(2) *APPLICATION.*—Paragraph (1) shall not apply after the date for which the Secretary of the Treasury determines that all payments required to be made under section 1704 have been made.

(d) *LIMITATION ON PAYMENTS MADE FROM FUND.*—

(1) *IN GENERAL.*—No payment may be made in a fiscal year under section 1704 until funds are deposited into the Claims Fund in such fiscal year under subsection (c).

(2) *AMOUNTS.*—For each fiscal year in which funds are deposited into the Claims Fund under subsection (c), the total amount of payments made in a fiscal year under section 1704 may not exceed the amount of funds available in the Claims Fund for such fiscal year.

(e) *DEDUCTIONS FROM FUND FOR ADMINISTRATIVE EXPENSES.*—The Secretary of the Treasury shall deduct from any amounts deposited into the Claims Fund an amount equal to 5 percent of such amounts as reimbursement to the Federal Government for expenses incurred by the Foreign Claims Settlement Commission and by the Department of the Treasury in the administration of this title. The amounts so deducted shall be covered into the Treasury as miscellaneous receipts.

### SEC. 1704. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) *PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.*—After the Secretary of the Treasury receives the certification from the Chairman of the Foreign Claims Settlement Commission as required under section 1705(b)(8), the Secretary of the Treasury shall make payments, subject to the availability of appropriations, to compensable Guam victims and survivors of a compensable Guam decedents as follows:

(1) *COMPENSABLE GUAM VICTIM.*—Before making any payments under paragraph (2), the Secretary shall make payments to compensable Guam victims as follows:

(A) In the case of a victim who has suffered an injury described in subsection (c)(2)(A), \$15,000.

(B) In the case of a victim who is not described in subparagraph (A), but who has suffered an injury described in subsection (c)(2)(B), \$12,000.

(C) In the case of a victim who is not described in subparagraph (A) or (B), but who has suffered an injury described in subsection (c)(2)(C), \$10,000.

(2) *SURVIVORS OF COMPENSABLE GUAM DECEDENTS.*—In the case of a compensable Guam decedent, the Secretary shall pay \$25,000 for distribution to survivors of the decedent in accordance with subsection (b). The Secretary shall make payments under this paragraph only after all payments are made under paragraph (1).

(b) *DISTRIBUTION OF SURVIVOR PAYMENTS.*—A payment made under subsection (a)(2) to the survivors of a compensable Guam decedent shall be distributed as follows:

(1) In the case of a decedent whose spouse is living as of the date of the enactment of this Act, but who had no living children as of such date, the payment shall be made to such spouse.

(2) In the case of a decedent whose spouse is living as of the date of the enactment of this Act and who had one or more living children as of such date, 50 percent of the payment shall be made to the spouse and 50 percent shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(3) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had one or more living children as of such date, the payment shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(4) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act and who had no living children as of such date, but who—

(A) had a parent who is living as of such date, the payment shall be made to the parent; or

(B) had two parents who are living as of such date, the payment shall be divided equally between the parents.

(5) In the case of a decedent whose spouse is not living as of the date of the enactment of this Act, who had no living children as of such date, and who had no parents who are living as of such date, no payment shall be made.

(c) *DEFINITIONS.*—For purposes of this title:

(1) *COMPENSABLE GUAM DECEDENT.*—The term ‘‘compensable Guam decedent’’ means an individual determined under section 1705 to have been a resident of Guam who died as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II,

or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of such Act.

(2) **COMPENSABLE GUAM VICTIM.**—The term “compensable Guam victim” means an individual who is not deceased as of the date of the enactment of this Act and who is determined under section 1705 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) **DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.**—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall promulgate regulations to specify the injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

#### SEC. 1705. ADJUDICATION.

(a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.**—

(1) **IN GENERAL.**—The Foreign Claims Settlement Commission shall adjudicate claims and determine the eligibility of individuals for payments under section 1704.

(2) **RULES AND REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Foreign Claims Settlement Commission shall publish in the Federal Register such rules and regulations as may be necessary to enable the Commission to carry out the functions of the Commission under this title.

(b) **CLAIMS SUBMITTED FOR PAYMENTS.**—

(1) **SUBMITTAL OF CLAIM.**—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1704 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) **FILING PERIOD FOR CLAIMS AND NOTICE.**—

(A) **FILING PERIOD.**—An individual filing a claim for a payment under section 1704 shall file such claim not later than one year after the date on which the Foreign Claims Settlement Commission publishes the notice described in subparagraph (B).

(B) **NOTICE OF FILING PERIOD.**—Not later than 180 days after the date of the enactment of this Act, the Foreign Claims Settlement Commission shall publish a notice of the deadline for filing a claim described in subparagraph (A)—

(i) in the Federal Register; and

(ii) in newspaper, radio, and television media in Guam.

(3) **ADJUDICATORY DECISIONS.**—The decision of the Foreign Claims Settlement Commission on each claim filed under this title shall—

(A) be by majority vote;

(B) be in writing;

(C) state the reasons for the approval or denial of the claim; and

(D) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) **DEDUCTIONS IN PAYMENT.**—The Foreign Claims Settlement Commission shall deduct, from a payment made to a compensable Guam victim or survivors of a compensable Guam decedent under this section, amounts paid to such victim or survivors under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) before the date of the enactment of this Act.

(5) **INTEREST.**—No interest shall be paid on payments made by the Foreign Claims Settlement Commission under section 1704.

(6) **LIMITED COMPENSATION FOR PROVISION OF REPRESENTATIONAL SERVICES.**—

(A) **LIMIT ON COMPENSATION.**—Any agreement under which an individual who provided representational services to an individual who filed a claim for a payment under this title that provides for compensation to the individual who provided such services in an amount that is more than one percent of the total amount of such payment shall be unlawful and void.

(B) **PENALTIES.**—Whoever demands or receives any compensation in excess of the amount allowed under subparagraph (A) shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

(7) **APPEALS AND FINALITY.**—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) **CERTIFICATIONS FOR PAYMENT.**—After a decision approving a claim becomes final, the Chairman of the Foreign Claims Settlement Commission shall certify such decision to the Secretary of the Treasury for authorization of a payment under section 1704.

(9) **TREATMENT OF AFFIDAVITS.**—For purposes of section 1704 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under such section as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim for a payment made under section 1704(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) **RELEASE OF RELATED CLAIMS.**—Acceptance of a payment under section 1704 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79-224), the implementing regulations issued by the United States Navy pursuant to such Act (Public Law 79-224), or this title.

#### SEC. 1706. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) **ESTABLISHMENT.**—Subject to subsection (b), the Secretary of the Interior shall establish a grant program under which the Secretary shall award grants for research, educational, and media activities for purposes of appropriately illuminating and interpreting the causes and circumstances of the occupation of Guam during World War II and other similar occupations during the war that—

(1) memorialize the events surrounding such occupation; or

(2) honor the loyalty of the people of Guam during such occupation.

(b) **ELIGIBILITY.**—The Secretary of the Interior may not award a grant under subsection (a) unless the person seeking the grant submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

#### SEC. 1707. AUTHORIZATION OF APPROPRIATIONS.

(a) **GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.**—For the purposes of carrying out sections 1704 and 1705, there is authorized to be appropriated for any fiscal year beginning after the date of enactment of this Act, an amount equal to the amount deposited into the Claims Fund in a fiscal year under section 1703. Not more than 5 percent of funds made

available under this subsection shall be used for administrative costs. Amounts appropriated under this section may remain available until expended.

(b) **GUAM WORLD WAR II GRANTS PROGRAM.**—For purposes of carrying out section 1706, there are authorized to be appropriated \$5,000,000 for each fiscal year beginning after the date of the enactment of this Act.

#### TITLE XVIII—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT

##### Subtitle A—Improving Transparency and Clarity for Small Businesses

Sec. 1801. Plain language rewrite of requirements for small business procurements.

Sec. 1802. Transparency in small business goals.

##### Subtitle B—Clarifying the Roles of Small Business Advocates

Sec. 1811. Scope of review by procurement center representatives.

Sec. 1812. Duties of the Office of Small and Disadvantaged Business Utilization.

Sec. 1813. Improving contractor compliance.

Sec. 1814. Improving education on small business regulations.

##### Subtitle C—Strengthening Opportunities for Competition in Subcontracting

Sec. 1821. Good faith in subcontracting.

Sec. 1822. Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings.

Sec. 1823. Amendments to the Mentor-Protege Program of the Department of Defense.

##### Subtitle D—Miscellaneous Provisions

Sec. 1831. Improvements to size standards for small agricultural producers.

Sec. 1832. Uniformity in service-disabled veteran definitions.

Sec. 1833. Office of Hearings and Appeals.

Sec. 1834. Extension of SBIR and STTR programs.

Sec. 1835. Issuance of guidance on small business matters.

##### Subtitle E—Improving Cyber Preparedness for Small Businesses

Sec. 1841. Small Business Development Center Cyber Strategy and outreach.

Sec. 1842. Role of small business development centers in cybersecurity and preparedness.

Sec. 1843. Additional cybersecurity assistance for small business development centers.

Sec. 1844. Prohibition on additional funds.

##### Subtitle A—Improving Transparency and Clarity for Small Businesses

#### SEC. 1801. PLAIN LANGUAGE REWRITE OF REQUIREMENTS FOR SMALL BUSINESS PROCUREMENTS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended to read as follows:

“(a) **SMALL BUSINESS PROCUREMENTS.**—

“(1) **IN GENERAL.**—For purposes of this Act, small business concerns shall receive any award or contract if such award or contract is, in the determination of the Administrator and the contracting agency, in the interest of—

“(A) maintaining or mobilizing the full productive capacity of the United States;

“(B) war or national defense programs; or

“(C) assuring that a fair proportion of the total purchase and contracts for goods and services of the Government in each industry category (as defined under paragraph (2)) are awarded to small business concerns.

“(2) **INDUSTRY CATEGORY DEFINED.**—

“(A) **IN GENERAL.**—In this subsection, the term ‘industry category’ means a discrete group of similar goods and services, as determined by the Administrator in accordance with the North American Industry Classification System codes used to establish small business size standards,

except that the Administrator shall limit an industry category to a greater extent than provided under the North American Industry Classification System codes if the Administrator receives evidence indicating that further segmentation of the industry category is warranted—

- “(i) due to special capital equipment needs;
- “(ii) due to special labor requirements;
- “(iii) due to special geographic requirements, except as provided in subparagraph (B);
- “(iv) due to unique Federal buying patterns or requirements; or
- “(v) to recognize a new industry.

“(B) EXCEPTION FOR GEOGRAPHIC REQUIREMENTS.—The Administrator may not further segment an industry category based on geographic requirements unless—

- “(i) the Government typically designates the geographic area where work for contracts for goods or services is to be performed;
- “(ii) Government purchases comprise the major portion of the entire domestic market for such goods or services; and
- “(iii) it is unreasonable to expect competition from business concerns located outside of the general geographic area due to the fixed location of facilities, high mobilization costs, or similar economic factors.

“(3) DETERMINATIONS WITH RESPECT TO AWARDS OR CONTRACTS.—Determinations made pursuant to paragraph (1) may be made for individual awards or contracts, any part of an award or contract or task order, or for classes of awards or contracts or task orders.

“(4) INCREASING PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—

“(A) DESCRIPTION OF COVERED PROPOSED PROCUREMENTS.—The requirements of this paragraph shall apply to a proposed procurement that includes in its statement of work goods or services currently being supplied or performed by a small business concern and, as determined by the Administrator—

- “(i) is in a quantity or of an estimated dollar value which makes the participation of a small business concern as a prime contractor unlikely;
- “(ii) in the case of a proposed procurement for construction, seeks to bundle or consolidate discrete construction projects; or
- “(iii) is a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

“(B) NOTICE TO PROCUREMENT CENTER REPRESENTATIVES.—With respect to proposed procurements described in subparagraph (A), at least 30 days before issuing a solicitation and concurrent with other processing steps required before issuing the solicitation, the contracting agency shall provide a copy of the proposed procurement to the procurement center representative of the contracting agency (as described in subsection (I)) along with a statement explaining—

- “(i) why the proposed procurement cannot be divided into reasonably small lots (not less than economic production runs) to permit offers on quantities less than the total requirement;
- “(ii) why delivery schedules cannot be established on a realistic basis that will encourage the participation of small business concerns in a manner consistent with the actual requirements of the Government;

- “(iii) why the proposed procurement cannot be offered to increase the likelihood of the participation of small business concerns;
- “(iv) in the case of a proposed procurement for construction, why the proposed procurement cannot be offered as separate discrete projects; or
- “(v) why the contracting agency has determined that the bundling of contract requirements is necessary and justified.

“(C) ALTERNATIVES TO INCREASE PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—If the procurement center representative believes that the proposed procurement will make the participation of small business

concerns as prime contractors unlikely, the procurement center representative, within 15 days after receiving the statement described in subparagraph (B), shall recommend to the contracting agency alternative procurement methods for increasing prime contracting opportunities for small business concerns.

“(D) FAILURE TO AGREE ON AN ALTERNATIVE PROCUREMENT METHOD.—If the procurement center representative and the contracting agency fail to agree on an alternative procurement method, the Administrator shall submit the matter to the head of the appropriate department or agency for a determination.

“(5) CONTRACTS FOR SALE OF GOVERNMENT PROPERTY.—With respect to a contract for the sale of Government property, small business concerns shall receive any such contract if, in the determination of the Administrator and the disposal agency, the award of such contract is in the interest of assuring that a fair proportion of the total sales of Government property be made to small business concerns.

“(6) SALE OF ELECTRICAL POWER OR OTHER PROPERTY.—Nothing in this subsection shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the Federal Government.

“(7) COSTS EXCEEDING FAIR MARKET PRICE.—A contract may not be awarded under this subsection if the cost of the contract to the awarding agency exceeds a fair market price.”.

#### SEC. 1802. TRANSPARENCY IN SMALL BUSINESS GOALS.

Section 15(h)(3) of the Small Business Act (15 U.S.C. 644(h)(3)) is amended to read as follows:

“(3) PROCUREMENT DATA.—

“(A) FEDERAL PROCUREMENT DATA SYSTEM.—

“(i) IN GENERAL.—To assist in the implementation of this section, the Administrator shall have access to information collected through the Federal Procurement Data System, Federal Subcontracting Reporting System, or any new or successor system.

“(ii) GSA REPORT.—On the date that the Administrator makes available the report required under paragraph (2), the Administrator of the General Services Administration shall submit to the President and Congress, and shall make available on a public website, a report in the same form and manner, and including the same information, as the report required under paragraph (2). The report shall include all procurements made for the period covered by the report and may not exclude any contract awarded.

“(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administrator, procurement information collected through agency data collection sources in existence at the time of the request. Contracting agencies shall not be required to establish new data collection systems to provide such data.”.

#### Subtitle B—Clarifying the Roles of Small Business Advocates

#### SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER REPRESENTATIVES.

(a) Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by adding at the end the following new paragraph:

“(9) SCOPE OF REVIEW.—The Administrator—

“(A) may not limit the scope of review by the procurement center representative for any solicitation of a contract or task order without regard to whether the contract or task order or part of the contract or task order is set aside for small business concerns, whether 1 or more contracts or task order awards are reserved for small business concerns under a multiple award contract, or whether or not the solicitation would result in a bundled or consolidated contract (as defined in subsection (s)) or a bundled or consolidated task order; and

“(B) shall, unless the contracting agency requests a review, limit the scope of review by the

procurement center representative for any solicitation of a contract or task order if such solicitation is awarded by or for the Department of Defense and—

“(i) is conducted pursuant to section 22 of the Arms Export Control Act (22 U.S.C. 2762);

“(ii) is a humanitarian operation as defined in section 401(e) of title 10, United States Code;

“(iii) is for a contingency operation, as defined in section 101(a)(13) of title 10, United States Code;

“(iv) is to be awarded pursuant to an agreement with the government of a foreign country in which Armed Forces of the United States are deployed; or

“(v) both the place of award and the place of performance are outside of the United States and its territories.”.

(b) Section 15(g)(2)(B) of the Small Business Act (15 U.S.C. 644(g)(2)(B)) is amended by inserting after the period at the end the following new sentence: “Contracts excluded from review by procurement center representatives pursuant to subsection (1)(9)(B) shall not be considered when establishing these goals.”.

#### SEC. 1812. DUTIES OF THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by striking “section 8, 15 or 44” and inserting “section 8, 15, 31, 36, or 44”;

(2) by striking “sections 8 and 15” each place such term appears and inserting “sections 8, 15, 31, 36, and 44”;

(3) in paragraph (10), by striking “section 8(a)” and inserting “section 8, 15, 31, or 36”;

(4) in paragraph (17)(C), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (17) the following new paragraph:

“(18) shall review summary data provided by purchase card issuers of purchases made by the agency greater than the micro-purchase threshold (as defined under section 1902 of title 41, United States Code) and less than the simplified acquisition threshold to ensure that the purchases have been made in compliance with the provisions of this Act and have been properly recorded in the Federal Procurement Data System, if the method of payment is a purchase card issued by the Department of Defense pursuant to section 2784 of title 10, United States Code, or by the head of an executive agency pursuant to section 1909 of title 41, United States Code;” and

(6) in paragraph (16)—

(A) in subparagraph (B), by striking “and” at the end; and

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

“(D) any failure of the agency to comply with section 8, 15, 31, or 36;”.

#### SEC. 1813. IMPROVING CONTRACTOR COMPLIANCE.

(a) REQUIREMENTS FOR THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)(8)), as amended by this Act, is further amended by inserting after paragraph (18) (as inserted by section 1812 of this Act) the following new paragraph:

“(19) shall provide assistance to a small business concern awarded a contract or subcontract under this Act or under title 10 or title 41, United States Code, in finding resources for education and training on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of such a contract or subcontract; and”.

(b) REQUIREMENTS UNDER THE MENTOR-PROTEGE PROGRAM OF THE DEPARTMENT OF DEFENSE.—Section 831(e)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

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

“(D) the assistance the mentor firm will provide to the protegee firm in understanding contract regulations of the Federal Government and the Department of Defense (including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.”

(c) **RESOURCES FOR SMALL BUSINESS CONCERNS.**—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

“(u) **POST-AWARD COMPLIANCE RESOURCES.**—The Administrator shall provide to small business development centers and entities participating in the Procurement Technical Assistance Cooperative Agreement Program under chapter 142 of title 10, United States Code, and shall make available on the website of the Administration, a list of resources for small business concerns seeking education and assistance on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of a contract or subcontract.”

(d) **REQUIREMENTS FOR PROCUREMENT CENTER REPRESENTATIVES.**—Section 15(1)(2) of the Small Business Act (15 U.S.C. 644(1)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J);

(2) in subparagraph (H), by striking “and” at the end; and

(3) by inserting after subparagraph (H) the following new subparagraph:

“(I) assist small business concerns with finding resources for education and training on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of a contract or subcontract; and”.

(e) **REQUIREMENTS UNDER THE MENTOR-PROTEGE PROGRAM OF THE SMALL BUSINESS ADMINISTRATION.**—Section 45(b)(3) of the Small Business Act (15 U.S.C. 657(b)(3)) is amended by adding at the end the following new subparagraph:

“(K) The types of assistance provided by a mentor to assist with compliance with the requirements of contracting with the Federal Government after award of a contract or subcontract under this section.”.

**SEC. 1814. IMPROVING EDUCATION ON SMALL BUSINESS REGULATIONS.**

(a) **REGULATORY CHANGES AND TRAINING MATERIALS.**—Section 15 of the Small Business Act (15 U.S.C. 644), as amended by section 1813, is further amended by adding at the end the following new subsection:

“(v) **REGULATORY CHANGES AND TRAINING MATERIALS.**—Not less than annually, the Administrator shall provide to the Defense Acquisition University (established under section 1746 of title 10, United States Code), the Federal Acquisition Institute (established under section 1201 of title 41, United States Code), the individual responsible for mandatory training and education of the acquisition workforce of each agency (described under section 1703(f)(1)(C) of title 41, United States Code), small business development centers, and entities participating in the Procurement Technical Assistance Cooperative Agreement Program under chapter 142 of title 10, United States Code—

“(1) a list of all changes made in the prior year to regulations promulgated—

“(A) by the Administrator that affect Federal acquisition; and

“(B) by the Federal Acquisition Council that implement amendments to this Act; and

“(2) any materials the Administrator has developed that explain, train, or assist Federal agencies or departments or small business concerns with compliance with the regulations described in paragraph (1).”.

(b) **TRAINING TO BE UPDATED.**—After receipt of information from the Administrator of the

Small Business Administration pursuant to section 15(v) of the Small Business Act, the Defense Acquisition University (established under section 1746 of title 10, United States Code) and the Federal Acquisition Institute (established under section 1201 of title 41, United States Code) shall periodically update the training provided to the acquisition workforce to incorporate such information.

**Subtitle C—Strengthening Opportunities for Competition in Subcontracting**

**SEC. 1821. GOOD FAITH IN SUBCONTRACTING.**

(a) **TRANSPARENCY IN SUBCONTRACTING GOALS.**—Section 8(d)(9) of the Small Business Act (15 U.S.C. 637(d)(9)) is amended—

(1) by striking “(9) The failure” and inserting the following:

“(9) **MATERIAL BREACH.**—The failure”;

(2) in subparagraph (A), by striking “or” at the end;

(3) in subparagraph (B), by inserting “or” at the end;

(4) by inserting after subparagraph (B) the following new subparagraph:

“(C) assurances provided under paragraph (6)(E),”; and

(5) by moving the margins of subparagraphs (A) and (B), and the matter after subparagraph (C) (as inserted by paragraph (4)), 2 ems to the right.

(b) **REVIEW OF SUBCONTRACTING PLANS.**—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) as amended by this Act, is further amended by inserting after paragraph (19) (as inserted by section 1813 of this Act) the following new paragraph:

“(20) shall review all subcontracting plans required by paragraph (4) or (5) of section 8(d) to ensure that the plan provides maximum practicable opportunity for small business concerns to participate in the performance of the contract to which the plan applies.”.

(c) **GOOD FAITH COMPLIANCE.**—Not later than 270 days after the date of enactment of this title, the Administrator of the Small Business Administration shall provide examples of activities that would be considered a failure to make a good faith effort to comply with the requirements imposed on an entity (other than a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is awarded a prime contract containing the clauses required under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

**SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES FOR QUALIFIED SUBCONTRACTORS TO OBTAIN PAST PERFORMANCE RATINGS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following new paragraph:

“(17) **PILOT PROGRAM PROVIDING PAST PERFORMANCE RATINGS FOR OTHER SMALL BUSINESS SUBCONTRACTORS.**—

“(A) **ESTABLISHMENT.**—The Administrator shall establish a pilot program for a small business concern without a past performance rating as a prime contractor performing as a first tier subcontractor for a covered contract (as defined in paragraph 13(A)) to request a past performance rating in the system used by the Federal Government to monitor or record contractor past performance.

“(B) **APPLICATION.**—A small business concern described in subparagraph (A) shall submit an application to the appropriate official for a past performance rating no later than 270 days after the small business concern completed the work for which it seeks a past performance rating or 180 days after the prime contractor completes work on the covered contract, whichever is earlier. Such application shall include written evidence of the past performance factors for which the small business concern seeks a rating and a suggested rating.

“(C) **DETERMINATION.**—The appropriate official shall submit the application from the small

business concern to the Office of Small and Disadvantaged Business Utilization for the covered contract and to the prime contractor for review. The Office of Small and Disadvantaged Business Utilization and the prime contractor shall, not later than 30 days after receipt of the application, submit to the appropriate official a response regarding the application.

“(i) **AGREEMENT ON RATING.**—If the Office of Small and Disadvantaged Business Utilization and the prime contractor agree on a past performance rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding person agrees with the rating of the applicant small business concern, the appropriate official shall enter the agreed-upon past performance rating in the system described in subparagraph (A).

“(ii) **DISAGREEMENT ON RATING.**—If the Office of Small and Disadvantaged Business Utilization and the prime contractor fail to respond within 30 days or if they disagree about the rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding person disagrees with the rating of the applicant small business concern, the Office of Small and Disadvantaged Business Utilization or the prime contractor shall submit a notice contesting the application to the appropriate official. The appropriate official shall follow the requirements of subparagraph (D).

“(D) **PROCEDURE FOR RATING.**—Not later than 14 calendar days after receipt of a notice under subparagraph (C)(ii), the appropriate official shall submit such notice to the applicant small business concern. Such concern may submit comments, rebuttals, or additional information relating to the past performance of such concern not later than 14 calendar days after receipt of such notice. The appropriate official shall enter into the system described in subparagraph (A) a rating that is neither favorable nor unfavorable along with the initial application from such concern, any responses of the Office of Small and Disadvantaged Business Utilization and the prime contractor, and any additional information provided by such concern. A copy of the information submitted shall be provided to the contracting officer (or designee of such officer) for the covered contract.

“(E) **USE OF INFORMATION.**—A small business subcontractor may use a past performance rating given under this paragraph to establish its past performance for a prime contract.

“(F) **DURATION.**—The pilot program established under this paragraph shall terminate 3 years after the date on which the first applicant small business concern receives a past performance rating for performance as a first tier subcontractor.

“(G) **REPORT.**—The Comptroller General of the United States shall begin an assessment of the pilot program 1 year after the establishment of such program. Not later than 6 months after beginning such assessment, the Comptroller General shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, which shall include—

“(i) the number of small business concerns that have received past performance ratings under the pilot program;

“(ii) the number of applications in which the contracting officer (or designee) or the prime contractor contested the application of the small business concern;

“(iii) any suggestions or recommendations the Comptroller General or the small business concerns participating in the program have to address disputes between the small business concern, the contracting officer (or designee), and the prime contractor on past performance ratings;

“(iv) the number of small business concerns awarded prime contracts after receiving a past

performance rating under this pilot program; and

“(v) any suggestions or recommendation the Comptroller General has to improve the operation of the pilot program.

“(H) APPROPRIATE OFFICIAL DEFINED.—In this paragraph, the term ‘appropriate official’ means—

- “(i) a commercial market representative;
- “(ii) another individual designated by the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36; or
- “(iii) the Office of Small and Disadvantaged Business Utilization of a Federal agency, if the head of the Federal agency and the Administrator agree.”.

**SEC. 1823. AMENDMENTS TO THE MENTOR-PROTEGE PROGRAM OF THE DEPARTMENT OF DEFENSE.**

Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended—

(1) by amending subsection (d) to read as follows:

“(d) MENTOR FIRM ELIGIBILITY.—

“(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protegee firms under subsection (e) and provide assistance under the program pursuant to that agreement if the mentor firm—

“(A) is eligible for award of Federal contracts; and

“(B) demonstrates that it—

“(i) is qualified to provide assistance that will contribute to the purpose of the program;

“(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

“(iii) can impart value to a protegee firm because of experience gained as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

“(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than \$100,000,000; or

“(II) the mentor firm demonstrates the capability to assist in the development of protegee firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (k).

“(2) A mentor firm may not enter into an agreement with a protegee firm if the Administrator of the Small Business Administration has made a determination finding affiliation between the mentor firm and the protegee firm.

“(3) If the Administrator of the Small Business Administration has not made such a determination and if the Secretary has reason to believe (based on the regulations promulgated by the Administrator regarding affiliation) that the mentor firm is affiliated with the protegee firm, the Secretary shall request a determination regarding affiliation from the Administrator of the Small Business Administration.”.

(2) in subsection (n), by amending paragraph (9) to read as follows:

“(9) The term ‘affiliation’, with respect to a relationship between a mentor firm and a protegee firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).”; and

(3) in subsection (f)(6)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) women’s business centers described in section 29 of the Small Business Act (15 U.S.C. 656).”.

**Subtitle D—Miscellaneous Provisions**

**SEC. 1831. IMPROVEMENTS TO SIZE STANDARDS FOR SMALL AGRICULTURAL PRODUCERS.**

(a) AMENDMENT TO DEFINITION OF AGRICULTURAL ENTERPRISES.—Paragraph (1) of section 18(b) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended by striking “businesses” and inserting “small business concerns”.

(b) EQUAL TREATMENT OF SMALL FARMS.—Paragraph (1) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking “operation: Provided,” and all that follows through the period at the end and inserting “operation.”.

(c) UPDATED SIZE STANDARDS.—Size standards established for agricultural enterprises under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) shall be subject to the rolling review procedures established under section 1344(a) of the Small Business Jobs Act of 2010 (15 U.S.C. 632 note).

**SEC. 1832. UNIFORMITY IN SERVICE-DISABLED VETERAN DEFINITIONS.**

(a) SMALL BUSINESS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term ‘small business concern owned and controlled by service-disabled veterans’ means any of the following:

“(A) A small business concern—

“(i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more service-disabled veterans; and

“(ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

“(B) A small business concern—

“(i) not less than 51 percent of which is owned by one or more service-disabled veterans with a disability that is rated by the Secretary of Veterans Affairs as a permanent and total disability who are unable to manage the daily business operations of such concern; or

“(ii) in the case of a publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more such veterans.

“(C)(i) During the time period described in clause (ii), a small business concern that was a small business concern described in subparagraph (A) or (B) immediately prior to the death of a service-disabled veteran who was the owner of the concern, the death of whom causes the concern to be less than 51 percent owned by one or more service-disabled veterans, if—

“(I) the surviving spouse of the deceased veteran acquires such veteran’s ownership interest in such concern;

“(II) such veteran had a service-connected disability (as defined in section 101(16) of title 38, United States Code) rated as 100 percent disabling under the laws administered by the Secretary of Veterans Affairs or such veteran died as a result of a service-connected disability; and

“(III) immediately prior to the death of such veteran, and during the period described in clause (ii), the small business concern is included in the database described in section 8127(f) of title 38, United States Code.

“(ii) The time period described in this clause is the time period beginning on the date of the veteran’s death and ending on the earlier of—

“(I) the date on which the surviving spouse remarries;

“(II) the date on which the surviving spouse relinquishes an ownership interest in the small business concern; or

“(III) the date that is 10 years after the date of the death of the veteran.”; and

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

“(6) ESOP.—The term ‘ESOP’ has the meaning given the term ‘employee stock ownership plan’ in section 4975(e)(7) of the Internal Revenue Code of 1986 (26 U.S.C. 4975(e)(7)).

“(7) SURVIVING SPOUSE.—The term ‘surviving spouse’ has the meaning given such term in section 101(3) of title 38, United States Code.”.

(b) VETERANS AFFAIRS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—

(1) IN GENERAL.—Section 8127 of title 38, United States Code, is amended—

(A) by striking subsection (h) and redesignating subsections (i) through (l) as subsections (h) through (k), respectively; and

(B) in subsection (k), as so redesignated—

(i) by amending paragraph (2) to read as follows:

“(2) The term ‘small business concern owned and controlled by veterans’ has the meaning given that term under section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)).”; and

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

“(3) The term ‘small business concern owned and controlled by veterans with service-connected disabilities’ has the meaning given the term ‘small business concern owned and controlled by service-disabled veterans’ under section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).”.

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

(A) in subsection (b), by inserting “or a small business concern owned and controlled by veterans with service-connected disabilities” after “a small business concern owned and controlled by veterans”;

(B) in subsection (c), by inserting “or a small business concern owned and controlled by veterans with service-connected disabilities” after “a small business concern owned and controlled by veterans”;

(C) in subsection (d) by inserting “or small business concerns owned and controlled by veterans with service-connected disabilities” after “small business concerns owned and controlled by veterans” both places it appears; and

(D) in subsection (f)(1), by inserting “, small business concerns owned and controlled by veterans with service-connected disabilities,” after “small business concerns owned and controlled by veterans”.

(c) TECHNICAL CORRECTION.—Section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)), is amended by adding at the end the following new subparagraph:

“(H) In this contract, the term ‘small business concern owned and controlled by service-disabled veterans’ has the meaning given that term in section 3(q).”.

(d) REGULATIONS RELATING TO DATABASE OF THE SECRETARY OF VETERANS AFFAIRS.—

(1) REQUIREMENT TO USE CERTAIN SMALL BUSINESS ADMINISTRATION REGULATIONS.—Section 8127(f)(4) of title 38, United States Code, is amended by striking “verified” and inserting “verified, using regulations issued by the Administrator of the Small Business Administration with respect to the status of the concern as a small business concern and the ownership and control of such concern.”.

(2) PROHIBITION ON SECRETARY OF VETERANS AFFAIRS ISSUING CERTAIN REGULATIONS.—Section 8127(f) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Secretary may not issue regulations related to the status of a concern as a small business concern and the ownership and control of such small business concern.”.

(e) DELAYED EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date on which the Administrator of the Small Business Administration and the Secretary of Veterans Affairs jointly issue regulations implementing such sections.

(f) APPEALS OF INCLUSION IN DATABASE.—

(1) IN GENERAL.—Section 8127(f) of title 38, United States Code, as amended by this section, is further amended by adding at the end the following new paragraph:

“(B)(A) If a small business concern is not included in the database because the Secretary does not verify the status of the concern as a small business concern or the ownership or control of the concern, the concern may appeal the denial of verification to the Office of Hearings and Appeals of the Small Business Administration (as established under section 5(i) of the Small Business Act). The decision of the Office of Hearings and Appeals shall be considered a final agency action.

“(B)(i) If an interested party challenges the inclusion in the database of a small business concern owned and controlled by veterans or a small business concern owned and controlled by veterans with service-connected disabilities based on the status of the concern as a small business concern or the ownership or control of the concern, the challenge shall be heard by the Office of Hearings and Appeals of the Small Business Administration as described in subparagraph (A). The decision of the Office of Hearings and Appeals shall be considered final agency action.

“(ii) In this subparagraph, the term ‘interested party’ means—

“(I) the Secretary; or

“(II) in the case of a small business concern that is awarded a contract, the contracting officer of the Department or another small business concern that submitted an offer for the contract that was awarded to the small business concern that is the subject of a challenge made under clause (i).

“(C) For each fiscal year, the Secretary shall reimburse the Administrator of the Small Business Administration in an amount necessary to cover any cost incurred by the Office of Hearings and Appeals of the Small Business Administration for actions taken by the Office under this paragraph. The Administrator is authorized to accept such reimbursement. The amount of any such reimbursement shall be determined jointly by the Secretary and the Administrator and shall be provided from fees collected by the Secretary under multiple-award schedule contracts. Any disagreement about the amount shall be resolved by the Director of the Office of Management and Budget.”

(2) EFFECTIVE DATE.—Paragraph (8) of subsection (f) of title 38, United States Code, as added by paragraph (1), shall apply with respect to a verification decision made by the Secretary of Veterans Affairs on or after the date of the enactment of this Act.

#### SEC. 1833. OFFICE OF HEARINGS AND APPEALS.

(a) CLARIFICATION AS TO JURISDICTION.—Section 5(i)(1)(B) of the Small Business Act (15 U.S.C. 634(i)(1)(B)) is amended to read as follows:

“(B) JURISDICTION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Office of Hearings and Appeals shall hear appeals of agency actions under or pursuant to this Act, the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), and title 13 of the Code of Federal Regulations, and shall hear such other matters as the Administrator may determine appropriate.

“(ii) EXCEPTION.—The Office of Hearings and Appeals shall not adjudicate disputes that require a hearing on the record, except disputes pertaining to the small business programs described in this Act.”

(b) NEW RULES OR GUIDANCE FOR PETITIONS FOR RECONSIDERATION.—Section 3(a)(9) of the Small Business Act (15 U.S.C. 632(a)(9)) is amended by adding at the end the following new subparagraph:

“(E) RULES OR GUIDANCE.—The Office of Hearings and Appeals shall begin accepting petitions for reconsideration described in subpara-

graph (A) after the date on which the Administration issues a rule or other guidance implementing this paragraph. Notwithstanding the provisions of subparagraph (B), petitions for reconsideration of size standards revised, modified, or established in a Federal Register final rule published between November 25, 2015, and the effective date of such rule or other guidance shall be considered timely if filed within 30 days of such effective date.”

#### SEC. 1834. EXTENSION OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended by striking “fiscal year 2017” and inserting “fiscal year 2022”.

#### SEC. 1835. ISSUANCE OF GUIDANCE ON SMALL BUSINESS MATTERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Veterans Affairs shall issue guidance pertaining to the amendments made by this title to the Small Business Act and section 8127 of title 38, United States Code. The Administrator and the Secretary shall provide notice and opportunity for comment on such guidance for a period of not less than 60 days.

#### Subtitle E—Improving Cyber Preparedness for Small Businesses

#### SEC. 1841. SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY AND OUTREACH.

(a) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Homeland Security shall work collaboratively to develop a cyber strategy for small business development centers to be known as the “Small Business Development Center Cyber Strategy”.

(2) CONSULTATION.—In developing the strategy under this subsection, the Administrator of the Small Business Administration and the Secretary of Homeland Security shall consult with entities representing the concerns of small business development centers, including any association recognized under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)).

(3) CONTENT.—The strategy required under paragraph (1) shall include, at minimum, the following:

(A) Plans for allowing small business development centers (hereinafter in this paragraph referred to as “SBDCs”) to access existing cyber programs of the Department of Homeland Security and other appropriate Federal agencies to enhance services and streamline cyber assistance to small business concerns.

(B) To the extent practicable, methods for providing counsel and assistance to improve a small business concern’s cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees, including—

(i) working to ensure individuals are aware of best practices in the areas of cybersecurity, awareness of cyber threat indicators, and cyber training;

(ii) working with individuals to develop cost-effective plans for implementing best practices in these areas;

(iii) entering into agreements, where practical, with Information Sharing and Analysis Centers or similar entities that share cyber information to gain an awareness of actionable cyber threat indicators that may be beneficial to small business concerns; and

(iv) providing referrals to area specialists when necessary.

(C) An analysis of—

(i) how Federal Government programs, projects, and activities can be leveraged by

SBDCs to improve access to high-quality cyber support for small business concerns;

(ii) additional resources SBDCs may need to effectively carry out their role; and

(iii) how SBDCs can leverage existing partnerships and develop new partnerships with Federal, State, and local government entities as well as private entities to improve the quality of cyber support services to small business concerns.

(4) DELIVERY OF STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Small Business Administrator and the Secretary of Homeland Security shall submit to the Committees on Homeland Security and Small Business of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Small Business and Entrepreneurship of the Senate the Small Business Development Center Cyber Strategy developed under paragraph (1).

(5) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) CYBER THREAT INDICATOR.—The term “cyber threat indicator” has the meaning given such term in section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a)).

(B) SMALL BUSINESS DEVELOPMENT CENTER.—The term “small business development center” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CYBERSECURITY OUTREACH FOR SMALL BUSINESS DEVELOPMENT CENTERS.—Section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

“(l) CYBERSECURITY OUTREACH.—

“(1) IN GENERAL.—The Secretary may leverage small business development centers to provide assistance to small business concerns by disseminating information on cyber threat indicators, defense measures, cybersecurity risks, incidents, analyses, and warnings to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

“(2) DEFINITIONS.—For purposes of this subsection, the terms ‘small business concern’ and ‘small business development center’ have the meaning given such terms, respectively, under section 3 of the Small Business Act.”

#### SEC. 1842. ROLE OF SMALL BUSINESS DEVELOPMENT CENTERS IN CYBERSECURITY AND PREPAREDNESS.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking “and providing access to business analysts who can refer small business concerns to available experts:” and inserting “providing access to business analysts who can refer small business concerns to available experts; and, to the extent practicable, providing assistance in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017.”; and

(2) in subsection (c)(2)—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end of the following new subparagraph:

“(G) access to cybersecurity specialists to counsel, assist, and inform small business concern clients, in furtherance of the Small Business Development Center Cyber Strategy developed under section 1841(a) of the National Defense Authorization Act for Fiscal Year 2017.”

#### SEC. 1843. ADDITIONAL CYBERSECURITY ASSISTANCE FOR SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended by adding at the end the following new paragraph:

“(8) CYBERSECURITY ASSISTANCE.—

“(A) IN GENERAL.—The Department of Homeland Security, and any other Federal department or agency in coordination with the Department of Homeland Security, may leverage small business development centers to provide assistance to small business concerns by disseminating information relating to cybersecurity risks and other homeland security matters to help small business concerns in developing or enhancing cybersecurity infrastructure, awareness of cyber threat indicators, and cyber training programs for employees.

“(B) DEFINITIONS.—In this paragraph, the terms ‘cybersecurity risk’ and ‘cyber threat indicator’ have the meanings given such terms, respectively, under section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a)).”

**SEC. 1844. PROHIBITION ON ADDITIONAL FUNDS.**

No additional funds are authorized to be appropriated to carry out sections 1841 through 1843 or the amendments made by such sections.

**TITLE XIX—DEPARTMENT OF HOMELAND SECURITY COORDINATION**

Sec. 1901. Department of Homeland Security coordination.

Sec. 1902. Office of Strategy, Policy, and Plans of the Department of Homeland Security.

Sec. 1903. Management and execution.

Sec. 1904. Chief Human Capital Officer of the Department of Homeland Security.

Sec. 1905. Department of Homeland Security transparency.

Sec. 1906. Transparency in research and development.

Sec. 1907. United States Government review of certain foreign fighters.

Sec. 1908. National strategy to combat terrorist travel.

Sec. 1909. National Operations Center.

Sec. 1910. Department of Homeland Security strategy for international programs.

Sec. 1911. State and high-risk urban area working groups.

Sec. 1912. Cybersecurity strategy for the Department of Homeland Security.

Sec. 1913. EMP and GMD planning, research and development, and protection and preparedness.

**SEC. 1901. DEPARTMENT OF HOMELAND SECURITY COORDINATION.**

(a) IN GENERAL.—Subsection (d) of section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following new paragraph:

“(5) Any Director of a Joint Task Force under section 708.”

(b) JOINT TASK FORCES.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

**“SEC. 708. JOINT TASK FORCES.**

“(a) DEFINITION.—In this section, the term ‘situational awareness’ means knowledge and unified understanding of unlawful cross-border activity, including—

“(1) threats and trends concerning illicit trafficking and unlawful crossings;

“(2) the ability to forecast future shifts in such threats and trends;

“(3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

“(4) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

“(b) JOINT TASK FORCES.—

“(1) ESTABLISHMENT.—The Secretary may establish and operate departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department for the purposes specified in paragraph (2).

“(2) PURPOSES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the purposes referred to in paragraph (1) are or relate to the following:

“(i) Securing the land and maritime borders of the United States.

“(ii) Homeland security crises.

“(iii) Establishing regionally-based operations.

“(B) LIMITATION.—

“(i) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of such a Joint Task Force—

“(1) do not include operational functions related to incident management, including coordination of operations; and

“(II) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act, and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

“(ii) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section may be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Agency under title V of this Act or any other provision of law, including the diversion of any asset, function, or mission from the Agency or the Administrator of the Agency pursuant to section 506.

“(3) JOINT TASK FORCE DIRECTORS.—

“(A) DIRECTOR.—Each Joint Task Force established and operated pursuant to paragraph (1) shall be headed by a Director, appointed by the President, for a term of not more than two years. The Secretary shall submit to the President recommendations for such appointments after consulting with the heads of the components of the Department with membership on any such Joint Task Force. Any Director appointed by the President shall be—

“(i) a current senior official of the Department with not less than one year of significant leadership experience at the Department; or

“(ii) if no suitable candidate is available at the Department, an individual with—

“(1) not less than one year of significant leadership experience in a Federal agency since the establishment of the Department; and

“(II) a demonstrated ability in, knowledge of, and significant experience working on the issues to be addressed by any such Joint Task Force.

“(B) EXTENSION.—The Secretary may extend the appointment of a Director of a Joint Task Force under subparagraph (A) for not more than two years if the Secretary determines that such an extension is in the best interest of the Department.

“(4) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office of the Department than the Director of such Joint Task Force.

“(5) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

“(A) when established for the purpose referred to in paragraph (2)(A)(i), maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

“(B) provide operational plans and requirements for standard operating procedures and contingency operations within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

“(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

“(D) set and accomplish strategic objectives through integrated operational planning and execution;

“(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

“(F) when established for the purpose referred to in paragraph (2)(A)(i), establish operational and investigative priorities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

“(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

“(H) carry out other duties and powers the Secretary determines appropriate.

“(6) PERSONNEL AND RESOURCES.—

“(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate to such Joint Task Force on a temporary basis personnel and equipment of components and offices of the Department.

“(B) COST NEUTRALITY.—A Joint Task Force may not require more resources than would have otherwise been required by the Department to carry out the duties assigned to such Joint Task Force if such Joint Task Force had not been established.

“(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

“(D) CONSIDERATION OF IMPACT.—When reviewing requests for allocation of component personnel and equipment under subparagraph (A), the Secretary shall consider the impact of such allocation on the ability of the donating component or office to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 888.

“(E) LIMITATION.—Personnel and equipment of the Coast Guard allocated under this paragraph may be used only to carry out operations and investigations related to the missions specified in section 888.

“(F) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the total funding, personnel, and other resources that each component or office of the Department allocated under this paragraph to each Joint Task Force to carry out the mission of such Joint Task Force during the fiscal year immediately preceding each such report, and a description of the degree to which the resources drawn from each component or office impact the primary mission of such component or office.

“(7) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

“(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities of such Joint Task Force required under this section;

“(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which such resources are assigned; and

“(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the head of the component or office of the Department that provided such personnel or equipment.

“(8) **JOINT TASK FORCE STAFF.**—Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

“(9) **ESTABLISHMENT OF PERFORMANCE METRICS.**—The Secretary shall—

“(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

“(B) not later than 120 days after the date of the enactment of this section and 120 days after the establishment of a new Joint Task Force, as appropriate, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate the metrics established under subparagraph (A).

“(C) not later than January 31 of each year beginning in 2017, submit to each committee specified in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

“(10) **JOINT DUTY TRAINING PROGRAM.**—

“(A) **IN GENERAL.**—The Secretary shall—

“(i) establish a joint duty training program in the Department for the purposes of—

“(I) enhancing coordination within the Department; and

“(II) promoting workforce professional development; and

“(ii) tailor such joint duty training program to improve joint operations as part of the Joint Task Forces.

“(B) **ELEMENTS.**—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

“(i) National security strategy.

“(ii) Strategic and contingency planning.

“(iii) Command and control of operations under joint command.

“(iv) International engagement.

“(v) The homeland security enterprise.

“(vi) Interagency collaboration.

“(vii) Leadership.

“(viii) Specific subject matters relevant to the Joint Task Force, including matters relating to the missions specified in section 888, to which the joint duty training program is assigned.

“(C) **TRAINING REQUIRED.**—

“(i) **DIRECTORS AND DEPUTY DIRECTORS.**—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

“(ii) **JOINT TASK FORCE STAFF.**—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to such Joint Task Force.

“(iii) **EXCEPTION.**—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of the enactment of this section.

“(iv) **WAIVER.**—The Secretary may waive the application of clause (i) if the Secretary determines that such a waiver is in the interest of homeland security or necessary to carry out the mission for which a Joint Task Force was established.

“(11) **NOTIFICATION OF JOINT TASK FORCE FORMATION.**—

“(A) **IN GENERAL.**—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the

Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment.

“(B) **WAIVER AUTHORITY.**—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or property.

“(12) **REVIEW.**—

“(A) **IN GENERAL.**—Not later than January 31, 2018, and January 31, 2021, the Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a review of the Joint Task Forces established under this subsection.

“(B) **CONTENTS.**—The reviews required under subparagraph (A) shall include—

“(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

“(ii) recommendations for enhancements to such structure to strengthen the effectiveness of each Joint Task Force.

“(13) **SUNSET.**—This section expires on September 30, 2022.

“(C) **JOINT DUTY ASSIGNMENT PROGRAM.**—

After establishing the joint duty training program under subsection (b)(10), the Secretary shall establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.”.

(c) **TRANSITION.**—An individual serving as a Director of a Joint Task Force of the Department of Homeland Security in existence on the day before the date of the enactment of this section may serve as the Director of such Joint Task Force on and after such date of enactment until a Director of such Joint Task Force is appointed pursuant to subparagraph (A) of section 708(b)(3), as added by subsection (a) of this section.

(d) **CONFORMING AMENDMENTS.**—The Homeland Security Act of 2002 is amended—

(1) in subsection (c) of section 506 (6 U.S.C. 316)—

(A) in paragraph (1), by inserting “, including through a Joint Task Force established under section 708,” after “reduce”; and

(B) in paragraph (2), by inserting “including a Joint Task Force established under section 708,” after “Department.”; and

(2) in paragraph (2) of section 509(c) (6 U.S.C. 319)—

(A) in the paragraph heading, by inserting “; JOINT TASK FORCE” after “OFFICIAL”; and

(B) in the matter preceding subparagraph (A), by inserting “or Director of a Joint Task Force established under section 708” before “shall”.

(e) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 707 the following new item:

“Sec. 708. Joint Task Forces.”.

**SEC. 1902. OFFICE OF STRATEGY, POLICY, AND PLANS OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **OFFICE OF STRATEGY, POLICY, AND PLANS.**—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1901 of this title, is further amended by adding at the end the following new section:

**“SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.**

“(a) **IN GENERAL.**—There is established in the Department an Office of Strategy, Policy, and Plans.

“(b) **HEAD OF OFFICE.**—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor

to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) **FUNCTIONS.**—The Under Secretary for Strategy, Policy, and Plans shall—

“(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

“(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;

“(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 707;

“(4) manage Department leadership councils and provide analytics and support to such councils;

“(5) manage international coordination and engagement for the Department;

“(6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and

“(7) carry out such other responsibilities as the Secretary determines appropriate.

“(d) **DEPUTY UNDER SECRETARY.**—

“(1) **IN GENERAL.**—The Secretary may—

“(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary’s responsibilities; and

“(B) appoint a career employee to such position.

“(2) **LIMITATION ON ESTABLISHMENT OF DEPUTY UNDER SECRETARY POSITIONS.**—A Deputy Under Secretary position (or any substantially similar position) within the Office of Strategy, Policy, and Plans may not be established except for the position provided for by paragraph (1), unless the Secretary receives prior authorization from Congress.

“(3) **DEFINITIONS.**—For purposes of paragraph (1)—

“(A) the term ‘career employee’ means any employee (as such term is defined in section 2105 of title 5, United States Code), but does not include a political appointee; and

“(B) the term ‘political appointee’ means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(e) **COORDINATION BY DEPARTMENT COMPONENTS.**—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance with respect to each such component.

“(f) **HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.**—

“(1) **HOMELAND SECURITY STATISTICS.**—The Under Secretary for Strategy, Policy, and Plans shall—

“(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

“(B) be provided by the heads of all components of the Department with statistical data maintained by the Department regarding the operations of the Department;

“(C) conduct or oversee analysis and reporting of such data by the Department as required by law or as directed by the Secretary; and

“(D) ensure the accuracy of metrics and statistical data provided to Congress.

“(2) **TRANSFER OF RESPONSIBILITIES.**—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and United

States Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled 'Yearbook of Immigration Statistics' prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.

"(g) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888."

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 707(a)(3) of the Homeland Security Act of 2002 (6 U.S.C. 347(a)(3)) is amended by inserting before the semicolon the following: ", including the Under Secretary for Strategy, Policy, and Plans".

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by section 1901 of this title, is further amended by inserting after the item relating to section 708 the following new item:

"Sec. 709. Office of Strategy, Policy, and Plans."

#### SEC. 1903. MANAGEMENT AND EXECUTION.

(a) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by inserting before the period at the end the following: ", who shall be first assistant to the Deputy Secretary of Homeland Security for purposes of subchapter III of chapter 33 of title 5, United States Code"; and

(B) by adding at the end the following:

"(K) An Under Secretary for Strategy, Policy, and Plans."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) ABSENCE, DISABILITY, OR VACANCY OF SECRETARY OR DEPUTY SECRETARY.—Notwithstanding chapter 33 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.

"(2) FURTHER ORDER OF SUCCESSION.—Notwithstanding chapter 33 of title 5, United States Code, the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary.

"(3) NOTIFICATION OF VACANCIES.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of any vacancies that require notification under sections 3345 through 3349d of title 5, United States Code (commonly known as the 'Federal Vacancies Reform Act of 1998')."

(b) UNDER SECRETARY FOR MANAGEMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and inserting the following:

"(9) The management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, to ensure an efficient and orderly consolidation of functions and personnel in the Department, including—

"(A) the development of centralized data sources and connectivity of information systems to the greatest extent practicable to enhance program visibility, transparency, and operational effectiveness and coordination;

"(B) the development of standardized and automated management information to manage

and oversee programs and make informed decisions to improve the efficiency of the Department;

"(C) the development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and evaluated data on all acquisitions and investments; and

"(D) the overall supervision, including the conduct of internal audits and management analyses, of the programs and activities of the Department, including establishment of oversight procedures to ensure a full and effective review of the efforts by components of the Department to implement policies and procedures of the Department for management integration and transformation.";

(B) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

(C) by inserting after paragraph (9) the following:

"(10) The development of a transition and succession plan, before December 1 of each year in which a Presidential election is held, to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the congressional homeland security committees.

"(11) Reporting to the Government Accountability Office every six months to demonstrate measurable, sustainable progress made in implementing the corrective action plans of the Department to address the designation of the management functions of the Department on the bi-annual high risk list of the Government Accountability Office, until the Comptroller General of the United States submits to the appropriate congressional committees written notification of removal of the high-risk designation.";

(2) by striking subsection (b) and inserting the following:

"(b) WAIVERS FOR CONDUCTING BUSINESS WITH SUSPENDED OR DEBARRED CONTRACTORS.—Not later than five days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed as a party suspended or debarred from receiving contracts, grants, or other types of Federal assistance in the System for Award Management maintained by the General Services Administration, or any successor thereto, the Under Secretary for Management shall submit to the congressional homeland security committees and the Inspector General of the Department notice of the waiver and an explanation of the finding by the Under Secretary that a compelling reason exists for the waiver.";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

"(d) SYSTEM FOR AWARD MANAGEMENT CONSULTATION.—The Under Secretary for Management shall require that all Department contracting and grant officials consult the System for Award Management (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits."

#### SEC. 1904. CHIEF HUMAN CAPITAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended to read as follows:

##### "SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

"(a) IN GENERAL.—The Chief Human Capital Officer shall report directly to the Under Secretary for Management.

"(b) RESPONSIBILITIES.—In addition to the responsibilities set forth in chapter 14 of title 5, United States Code, and other applicable law, the Chief Human Capital Officer of the Department shall—

"(1) develop and implement strategic workforce planning policies that are consistent with Government-wide leading principles and in line with Department strategic human capital goals and priorities, taking into account the special requirements of members of the Armed Forces serving in the Coast Guard;

"(2) develop performance measures to provide a basis for monitoring and evaluating Department-wide strategic workforce planning efforts;

"(3) develop, improve, and implement policies, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

"(4) identify methods for managing and overseeing human capital programs and initiatives, in coordination with the head of each component of the Department;

"(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department;

"(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

"(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

"(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

"(9) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

"(10) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code.

"(c) COMPONENT STRATEGIES.—

"(1) IN GENERAL.—Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

"(2) STRATEGY REQUIREMENTS.—In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services.

"(d) ANNUAL SUBMISSION.—Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

"(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c);

"(2) the number of on-board staffing for Federal employees from the prior fiscal year;

"(3) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111-117; 31 U.S.C. 501 note); and

"(4) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

“(e) **LIMITATION.**—Nothing in this section overrides or otherwise affects the requirements specified in section 888.”.

**SEC. 1905. DEPARTMENT OF HOMELAND SECURITY TRANSPARENCY.**

(a) **FEASIBILITY STUDY.**—The Administrator of the Federal Emergency Management Agency shall initiate a study to determine the feasibility of gathering data and providing information to Congress on the use of Federal grant awards, for expenditures of more than \$5,000, by entities that receive a Federal grant award under the Urban Area Security Initiative and the State Homeland Security Grant Program under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), respectively.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs a report on the results of the study required under subsection (a).

**SEC. 1906. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

**“SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.**

“(a) **REQUIREMENT TO LIST RESEARCH AND DEVELOPMENT PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary shall maintain a detailed list of the following:

“(A) Each classified and unclassified research and development project, and all appropriate details for each such project, including the component of the Department responsible for each such project.

“(B) Each task order for a Federally Funded Research and Development Center not associated with a research and development project.

“(C) Each task order for a University-based center of excellence not associated with a research and development project.

“(D) The indicators developed and tracked by the Under Secretary for Science and Technology with respect to transitioned projects pursuant to subsection (c).

“(2) **EXCEPTION FOR CERTAIN COMPLETED PROJECTS.**—Paragraph (1) shall not apply to a project completed or otherwise terminated before the date of the enactment of this section.

“(3) **UPDATES.**—The list required under paragraph (1) shall be updated as frequently as possible, but not less frequently than once per quarter.

“(4) **RESEARCH AND DEVELOPMENT DEFINED.**—For purposes of the list required under paragraph (1), the Secretary shall provide a definition for the term ‘research and development’.

“(b) **REQUIREMENT TO REPORT TO CONGRESS ON ALL PROJECTS.**—Not later than January 1, 2017, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a classified and unclassified report, as applicable, that lists each ongoing classified and unclassified project at the Department, including all appropriate details of each such project.

“(c) **INDICATORS OF SUCCESS OF TRANSITIONED PROJECTS.**—

“(1) **IN GENERAL.**—For each project that has been transitioned to practice from research and development, the Under Secretary for Science and Technology shall develop and track indicators to demonstrate the uptake of the technology or project among customers or end-users.

“(2) **REQUIREMENT.**—To the fullest extent possible, the tracking of a project required under paragraph (1) shall continue for the three-year period beginning on the date on which such project was transitioned to practice from research and development.

“(d) **DEFINITIONS.**—In this section:

“(1) **ALL APPROPRIATE DETAILS.**—The term ‘all appropriate details’ means, with respect to a research and development project—

“(A) the name of such project, including both classified and unclassified names if applicable;

“(B) the name of the component of the Department carrying out such project;

“(C) an abstract or summary of such project;

“(D) funding levels for such project;

“(E) project duration or timeline;

“(F) the name of each contractor, grantee, or cooperative agreement partner involved in such project;

“(G) expected objectives and milestones for such project; and

“(H) to the maximum extent practicable, relevant literature and patents that are associated with such project.

“(2) **CLASSIFIED.**—The term ‘classified’ means anything containing—

“(A) classified national security information as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order;

“(B) Restricted Data or data that was formerly Restricted Data, as defined in section 11y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

“(C) material classified at the Sensitive Compartmented Information (SCI) level, as defined in section 309 of the Intelligence Authorization Act for Fiscal Year 2001 (50 U.S.C. 3345); or

“(D) information relating to a special access program, as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order.

“(3) **CONTROLLED UNCLASSIFIED INFORMATION.**—The term ‘controlled unclassified information’ means information described as ‘Controlled Unclassified Information’ under Executive Order 13556 (50 U.S.C. 3501 note) or any successor order.

“(4) **PROJECT.**—The term ‘project’ means a research or development project, program, or activity administered by the Department, whether ongoing, completed, or otherwise terminated.

“(e) **LIMITATION.**—Nothing in this section overrides or otherwise affects the requirements specified in section 888.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 318 the following new item:

“Sec. 319. Transparency in research and development.”.

**SEC. 1907. UNITED STATES GOVERNMENT REVIEW OF CERTAIN FOREIGN FIGHTERS.**

(a) **REVIEW.**—Not later than 30 days after the date of the enactment of this Act, the President shall initiate a review of known instances since 2011 in which a person has traveled or attempted to travel to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a terrorist organization.

(b) **SCOPE OF REVIEW.**—The review under subsection (a) shall—

(1) include relevant unclassified and classified information held by the United States Government related to each instance described in subsection (a);

(2) ascertain which factors, including operational issues, security vulnerabilities, systemic challenges, or other issues, which may have undermined efforts to prevent the travel of persons described in subsection (a) to a conflict zone in Iraq or Syria from the United States, including issues related to the timely identification of suspects, information sharing, intervention, and interdiction; and

(3) identify lessons learned and areas that can be improved to prevent additional travel by persons described in subsection (a) to a conflict zone in Iraq or Syria, or other terrorist safe haven abroad, to join or provide material support or resources to a terrorist organization.

(c) **INFORMATION SHARING.**—The President shall direct the heads of relevant Federal agencies to provide the appropriate information that may be necessary to complete the review required under this section.

(d) **SUBMISSION TO CONGRESS.**—Not later than 120 days after the date of the enactment of this Act, the President, consistent with the protection of classified information, shall submit a report to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees that includes the results of the review required under this section, including information on travel routes of greatest concern, as appropriate.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Foreign Relations of the Senate;

(F) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) the Committee on Appropriations of the Senate;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Committee on the Judiciary of the House of Representatives;

(K) the Committee on Armed Services of the House of Representatives;

(L) the Committee on Foreign Affairs of the House of Representatives;

(M) the Committee on Appropriations of the House of Representatives; and

(N) the Committee on Financial Services of the House of Representatives.

(2) **MATERIAL SUPPORT OR RESOURCES.**—The term ‘‘material support or resources’’ has the meaning given such term in section 2339A of title 18, United States Code.

**SEC. 1908. NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that it should be the policy of the United States to—

(1) continue to regularly assess the evolving terrorist threat to the United States;

(2) catalog existing Federal Government efforts to obstruct terrorist and foreign fighter travel into, out of, and within the United States, and overseas;

(3) identify such efforts that may benefit from reform or consolidation, or require elimination;

(4) identify potential security vulnerabilities in United States defenses against terrorist travel; and

(5) prioritize resources to address any such security vulnerabilities in a risk-based manner.

(b) **NATIONAL STRATEGY AND UPDATES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees a national strategy to combat terrorist travel. The strategy shall address efforts to intercept terrorists and foreign fighters and constrain the domestic and international travel of such persons. Consistent with the protection of classified information, the strategy shall be submitted in unclassified form, including, as appropriate, a classified annex.

(2) **UPDATED STRATEGIES.**—Not later than 180 days after the date on which a new President is inaugurated, the President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an updated version of the strategy described in paragraph (1).

(3) **CONTENTS.**—The strategy and updates required under this subsection shall—

(A) include an accounting and description of all Federal Government programs, projects, and activities designed to constrain domestic and international travel by terrorists and foreign fighters;

(B) identify specific security vulnerabilities within the United States and outside of the United States that may be exploited by terrorists and foreign fighters;

(C) delineate goals for—

(i) closing the security vulnerabilities identified under subparagraph (B); and

(ii) enhancing the ability of the Federal Government to constrain domestic and international travel by terrorists and foreign fighters; and

(D) describe the actions that will be taken to achieve the goals delineated under subparagraph (C) and the means needed to carry out such actions, including—

(i) steps to reform, improve, and streamline existing Federal Government efforts to align with the current threat environment;

(ii) new programs, projects, or activities that are requested, under development, or undergoing implementation;

(iii) new authorities or changes in existing authorities needed from Congress;

(iv) specific budget adjustments being requested to enhance United States security in a risk-based manner; and

(v) the Federal departments and agencies responsible for the specific actions described in this subparagraph.

(4) **SUNSET.**—The requirement to submit updated national strategies under this subsection shall terminate on the date that is seven years after the date of the enactment of this Act.

(c) **DEVELOPMENT OF IMPLEMENTATION PLANS.**—For each national strategy required under subsection (b), the President shall direct the heads of relevant Federal agencies to develop implementation plans for each such agency.

(d) **IMPLEMENTATION PLANS.**—

(1) **IN GENERAL.**—The President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an implementation plan developed under subsection (c) with each national strategy required under subsection (b). Consistent with the protection of classified information, each such implementation plan shall be submitted in unclassified form, but may include a classified annex.

(2) **ANNUAL UPDATES.**—The President shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the appropriate congressional committees an annual updated implementation plan during the ten-year period beginning on the date of the enactment of this Act.

(e) **DEFINITION.**—In this section, the term “appropriate congressional committees” means—

(1) in the House of Representatives—

(A) the Committee on Homeland Security;

(B) the Committee on Armed Services;

(C) the Permanent Select Committee on Intelligence;

(D) the Committee on the Judiciary;

(E) the Committee on Foreign Affairs;

(F) the Committee on Appropriations; and

(2) in the Senate—

(A) the Committee on Homeland Security and Governmental Affairs;

(B) the Committee on Armed Services;

(C) the Select Committee on Intelligence;

(D) the Committee on the Judiciary;

(E) the Committee on Foreign Relations; and

(F) the Committee on Appropriations.

(f) **SPECIAL RULE FOR CERTAIN RECEIPT.**—The definition under subsection (e) shall be treated as including the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate for purposes of receipt of those portions of—

(1) the national strategy (including updates thereto), and

(2) the implementation plan (including updates thereto), required under this section that relate to maritime travel into and out of the United States.

**SEC. 1909. NATIONAL OPERATIONS CENTER.**

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended—

(1) in subsection (a)—

(A) by striking “emergency managers and decision makers” and inserting “emergency managers, decision makers, and other appropriate officials”; and

(B) by inserting “and steady-state activity” before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “and tribal governments” and inserting “tribal, and territorial governments, the private sector, and international partners”; and

(ii) by striking “in the event of” and inserting “for events, threats, and incidents involving”; and

(iii) by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.”;

(4) in subsection (c)—

(A) in the subsection heading, by striking “Fire Service” and inserting “Emergency Responder”; and

(B) by striking paragraph (1) and inserting the following:

“(1) **ESTABLISHMENT OF POSITIONS.**—The Secretary shall establish a position, on a rotating basis, for a representative of State and local emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local emergency response services.”;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

**SEC. 1910. DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR INTERNATIONAL PROGRAMS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a comprehensive three-year strategy for international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(b) **CONTENTS.**—The strategy required under subsection (a) shall include, at a minimum, the following:

(1) Specific Department of Homeland Security risk-based goals for international programs of the Department in which personnel and re-

sources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(2) A risk-based method for determining whether to establish new international programs in new locations, given resource constraints, or expand existing international programs of the Department, in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(3) Alignment with the highest Department-wide and Government-wide strategic priorities of resource allocations on international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(4) A common reporting framework for the submission of reliable, comparable cost data by components of the Department on overseas expenditures attributable to international programs of the Department in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States.

(c) **CONSIDERATIONS.**—In developing the strategy required under subsection (a), the Secretary of Homeland Security shall consider, at a minimum, the following:

(1) Information on existing operations of international programs of the Department of Homeland Security in which personnel and resources of the Department are deployed abroad for vetting and screening of persons seeking to enter the United States that includes corresponding information for each location in which each such program operates.

(2) The number of Department personnel deployed to each location at which an international program referred to in subparagraph (A) is in operation during the current and preceding fiscal year.

(3) Analysis of the impact of each international program referred to in paragraph (1) on domestic activities of components of the Department of Homeland Security.

(4) Analysis of barriers to the expansion of an international program referred to in paragraph (1).

(d) **FORM.**—The strategy required under subsection (a) shall be submitted in unclassified form but may contain a classified annex if the Secretary of Homeland Security determines that such is appropriate.

**SEC. 1911. STATE AND HIGH-RISK URBAN AREA WORKING GROUPS.**

Subsection (b) of section 2021 of the Homeland Security Act of 2002 (6 U.S.C. 611) is amended to read as follows:

“(b) **PLANNING COMMITTEES.**—

“(1) **IN GENERAL.**—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a State planning committee or urban area working group to assist in preparation and revision of the State, regional, or local homeland security plan or the threat and hazard identification and risk assessment, as the case may be, and to assist in determining effective funding priorities for grants under such sections.

“(2) **COMPOSITION.**—

“(A) **IN GENERAL.**—The State planning committees and urban area working groups referred to in paragraph (1) shall include at least one representative from each of the following significant stakeholders:

“(i) Local or tribal government officials.

“(ii) Emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical services, and emergency managers.

“(iii) Public health officials and other appropriate medical practitioners.

“(iv) Individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher education.

“(v) State and regional interoperable communications coordinators, as appropriate.

“(vi) State and major urban area fusion centers, as appropriate.

“(B) **GEOGRAPHIC REPRESENTATION.**—The members of the State planning committee or urban area working group, as the case may be, shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

“(3) **EXISTING PLANNING COMMITTEES.**—Nothing in this subsection may be construed to require that any State or high-risk urban area create a State planning committee or urban area working group, as the case may be, if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.”.

**SEC. 1912. CYBERSECURITY STRATEGY FOR THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **IN GENERAL.**—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by inserting after section 228 the following new section:

**“SEC. 228A. CYBERSECURITY STRATEGY.**

“(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop a departmental strategy to carry out cybersecurity responsibilities as set forth in law.

“(b) **CONTENTS.**—The strategy required under subsection (a) shall include the following:

“(1) Strategic and operational goals and priorities to successfully execute the full range of the Secretary’s cybersecurity responsibilities.

“(2) Information on the programs, policies, and activities that are required to successfully execute the full range of the Secretary’s cybersecurity responsibilities, including programs, policies, and activities in furtherance of the following:

“(A) Cybersecurity functions set forth in the section 227 (relating to the national cybersecurity and communications integration center).

“(B) Cybersecurity investigations capabilities.

“(C) Cybersecurity research and development.

“(D) Engagement with international cybersecurity partners.

“(c) **CONSIDERATIONS.**—In developing the strategy required under subsection (a), the Secretary shall—

“(1) consider—

“(A) the cybersecurity strategy for the Homeland Security Enterprise published by the Secretary in November 2011;

“(B) the Department of Homeland Security Fiscal Years 2014–2018 Strategic Plan; and

“(C) the most recent Quadrennial Homeland Security Review issued pursuant to section 707; and

“(2) include information on the roles and responsibilities of components and offices of the Department, to the extent practicable, to carry out such strategy.

“(d) **IMPLEMENTATION PLAN.**—Not later than 90 days after the development of the strategy required under subsection (a), the Secretary shall issue an implementation plan for the strategy that includes the following:

“(1) Strategic objectives and corresponding tasks.

“(2) Projected timelines and costs for such tasks.

“(3) Metrics to evaluate performance of such tasks.

“(e) **CONGRESSIONAL OVERSIGHT.**—The Secretary shall submit to Congress for assessment the following:

“(1) A copy of the strategy required under subsection (a) upon issuance.

“(2) A copy of the implementation plan required under subsection (d) upon issuance, to-

gether with detailed information on any associated legislative or budgetary proposals.

“(f) **CLASSIFIED INFORMATION.**—The strategy required under subsection (a) shall be in an unclassified form but may contain a classified annex.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as permitting the Department to engage in monitoring, surveillance, exfiltration, or other collection activities for the purpose of tracking an individual’s personally identifiable information.

“(h) **DEFINITION.**—In this section, the term ‘Homeland Security Enterprise’ means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 228 the following new item:

“Sec. 228A. Cybersecurity strategy.”.

**SEC. 1913. EMP AND GMD PLANNING, RESEARCH AND DEVELOPMENT, AND PROTECTION AND PREPAREDNESS.**

(a) **IN GENERAL.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 2 (6 U.S.C. 101)—

(A) by redesignating paragraphs (9) through (18) as paragraphs (11) through (20), respectively;

(B) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(C) by inserting after paragraph (6) the following new paragraph:

“(7) The term ‘EMP’ means an electromagnetic pulse caused by a nuclear device or nonnuclear device, including such a pulse caused by an act of terrorism.”; and

(D) by inserting after paragraph (9), as so redesignated, the following new paragraph:

“(10) The term ‘GMD’ means a geomagnetic disturbance caused by a solar storm or another naturally occurring phenomenon.”;

(2) in subsection (d) of section 201 (6 U.S.C. 121), by adding at the end the following new paragraph:

“(26)(A) Not later than six months after the date of the enactment of this paragraph, to conduct an intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure, and submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate—

“(i) a recommended strategy to protect and prepare the critical infrastructure of the homeland against threats of EMP and GMD; and

“(ii) not less frequently than every two years thereafter for the next six years, updates of the recommended strategy.

“(B) The recommended strategy under subparagraph (A) shall—

“(i) be based on findings of the research and development conducted under section 319;

“(ii) be developed in consultation with the relevant Federal sector-specific agencies (as defined under Presidential Policy Directive-21) for critical infrastructure;

“(iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructure;

“(iv) be informed, to the extent practicable, by the findings of the intelligence-based review and comparison of the risks and consequences of EMP and GMD facing critical infrastructure conducted under subparagraph (A); and

“(v) be submitted in unclassified form, but may include a classified annex.

“(C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader

recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism, cyber attacks, and other threats if, as incorporated, the recommended strategy complies with subparagraph (B).”;

(3) in title III (6 U.S.C. 181 et seq.), by adding at the end the following new section:

**“SEC. 319. EMP AND GMD MITIGATION RESEARCH AND DEVELOPMENT.**

“(a) **IN GENERAL.**—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies, relevant State, local, and tribal governments, and relevant owners and operators of critical infrastructure, shall, to the extent practicable, conduct research and development to mitigate the consequences of threats of EMP and GMD.

“(b) **SCOPE.**—The scope of the research and development under subsection (a) shall include the following:

“(1) An objective scientific analysis—

“(A) evaluating the risks to critical infrastructure from a range of threats of EMP and GMD; and

“(B) which shall—

“(i) be conducted in conjunction with the Office of Intelligence and Analysis; and

“(ii) include a review and comparison of the range of threats and hazards facing critical infrastructure of the electrical grid.

“(2) Determination of the critical utilities and national security assets and infrastructure that are at risk from threats of EMP and GMD.

“(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, which shall include a review of the feasibility of rapidly isolating one or more portions of the electrical grid from the main electrical grid.

“(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to threats of EMP and GMD, including an analysis of neutral current blocking devices that may protect high-voltage transmission lines.

“(5) The restoration and recovery capabilities of critical infrastructure under differing levels of damage and disruption from various threats of EMP and GMD, as informed by the objective scientific analysis conducted under paragraph (1).

“(6) An analysis of the feasibility of a real-time alert system to inform electrical grid operators and other stakeholders within milliseconds of a high-altitude nuclear explosion.

“(c) **EXEMPTION FROM DISCLOSURE.**—

“(1) **INFORMATION SHARED WITH THE FEDERAL GOVERNMENT.**—Section 214, and any regulations issued pursuant to such section, shall apply to any information shared with the Federal Government under this section.

“(2) **INFORMATION SHARED BY THE FEDERAL GOVERNMENT.**—Information shared by the Federal Government with a State, local, or tribal government under this section shall be exempt from disclosure under any provision of State, local, or tribal freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records.”; and

(4) in title V (6 U.S.C. 311 et seq.), by adding at the end the following new section:

**“SEC. 527. NATIONAL PLANNING AND EDUCATION.**

“The Secretary shall, to the extent practicable—

“(1) include in national planning frameworks the threat of an EMP or GMD event; and

“(2) conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency response providers at all levels of government regarding threats of EMP and GMD.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(A) by inserting after the item relating to section 317 the following new item:

“Sec. 319. EMP and GMD mitigation research and development.”; and

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

“Sec. 526. Integrated Public Alert and Warning System modernization.

“Sec. 527. National planning and education.”.

(2) Section 501(13) of the Homeland Security Act of 2002 (6 U.S.C. 311(13)) is amended by striking “section 2(11)(B)” and inserting “section 2(13)(B)”.

(3) Section 712(a) of title 14, United States Code, is amended by striking “section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))” and inserting “section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)”.

(c) DEADLINE FOR INITIAL RECOMMENDED STRATEGY.—Not later than one year after the date of the enactment of this section, the Secretary of Homeland Security shall submit the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section.

(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary of Homeland Security shall submit to Congress a report describing the progress made in, and an estimated date by which the Department of Homeland Security will have completed—

(1) including threats of EMP and GMD (as those terms are defined in section 2 of the Homeland Security Act of 2002, as amended by this section) in national planning, as described in section 527 of the Homeland Security Act of 2002, as added by this section;

(2) research and development described in section 319 of the Homeland Security Act of 2002, as added by this section;

(3) development of the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section; and

(4) beginning to conduct outreach to educate emergency planners and emergency response providers at all levels of government regarding threats of EMP and GMD events.

(e) NO REGULATORY AUTHORITY.—Nothing in this section, including the amendments made by this section, shall be construed to grant any regulatory authority.

(f) NO NEW AUTHORIZATION OF APPROPRIATIONS.—This section, including the amendments made by this section, may be carried out only by using funds appropriated under the authority of other laws.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2017”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security In-

vestment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. EFFECTIVE DATE.**

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2014 project.

Sec. 2105. Extension of authorizations of certain fiscal year 2013 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2014 projects.

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation	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
Missouri .....	Fort Leonard Wood .....	\$6,900,000
Texas .....	Fort Hood .....	\$7,600,000
Utah .....	Camp Williams .....	\$7,400,000
Virginia .....	Fort Belvoir .....	\$23,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the instal-

lations or locations outside the United States, and in the amount, set forth in the following table:

**Army: Outside the United States**

Country	Installation	Amount
Cuba .....	Guantanamo Bay .....	\$33,000,000
Germany .....	East Camp Grafenwoehr .....	\$22,000,000
.....	Garmisch .....	\$9,600,000
.....	Wiesbaden Army Airfield .....	\$19,200,000

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and

available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land ac-

quisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

State/Country	Installation	Units	Amount
Korea .....	Camp Humphreys .....	Family Housing New Construction .....	\$297,000,000
	Camp Walker .....	Family Housing New Construction .....	\$54,554,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,618,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

**SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1148), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Army: Extension of 2013 Project Authorizations**

State/Country	Installation or Location	Project	Amount
Kansas .....	Fort Riley .....	Unmanned Aerial Vehicle Complex .....	\$12,200,000
Virginia .....	Fort Belvoir .....	Secure Admin/Operations Facility .....	\$172,200,000
Italy .....	Camp Ederle .....	Barracks .....	\$36,000,000
Japan .....	Sagami .....	Vehicle Maintenance Shop .....	\$18,000,000

**SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Army: Extension of 2014 Project Authorizations**

State or Country	Installation or Location	Project	Amount
Maryland .....	Fort Detrick .....	Entry Control Point .....	\$2,500,000
Marshall Islands .....	Kwajalein Atoll .....	Pier .....	\$63,000,000
Japan .....	Kyotango City .....	Company Operations Complex .....	\$33,000,000

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2014 project.

- Sec. 2206. Extension of authorizations of certain fiscal year 2013 projects.
- Sec. 2207. Extension of authorizations of certain fiscal year 2014 projects.
- Sec. 2208. Status of “net negative” policy regarding Navy acreage on Guam.

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects in-

side the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$48,355,000
California .....	Coronado .....	\$104,501,000
	Lemoore .....	\$26,723,000
	Miramar .....	\$193,600,000
	Seal Beach .....	\$21,007,000
Florida .....	Eglin Air Force Base .....	\$20,489,000
Guam .....	Joint Region Marianas .....	\$89,185,000
Hawaii .....	Barking Sands .....	\$43,384,000
	Kaneohe Bay .....	\$72,565,000
	Kittery .....	\$47,892,000
Maine .....	Patuxent River .....	\$40,576,000
Maryland .....	Fallon .....	\$13,523,000
Nevada .....	Camp Lejeune .....	\$18,482,000
North Carolina .....	Cherry Point Marine Corps Air Station .....	\$12,515,000
	Beaufort .....	\$83,490,000
South Carolina .....	Parris Island .....	\$29,882,000
Virginia .....	Norfolk .....	\$27,000,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Washington .....	Bangor .....	\$113,415,000
	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 out-

side 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 installa-

tion or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
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 ac-

quisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands .....	Guam .....	Replace Andersen Housing PH 1	\$78,815,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,149,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated

for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water trans-

mission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor–Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
California .....	Camp Pendleton .....	Comm. Information Systems Ops Complex	\$78,897,000
Greece .....	Souda Bay .....	Intermodal Access Road .....	\$4,630,000
South Carolina .....	Beaufort .....	Recycling/Hazardous Waste Facility .....	\$3,743,000
Worldwide Unspecified .....	Various Worldwide Locations .....	BAMS Operational Facilities .....	\$34,048,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii .....	Kaneohe .....	Aircraft Maintenance Hangar Upgrades ..	\$31,820,000
	Pearl City .....	Water Transmission Line .....	\$30,100,000
Illinois .....	Great Lakes .....	Unaccompanied Housing .....	\$35,851,000
Maine .....	Bangor .....	NCTAMS VLF Commercial Power Connection .....	\$13,800,000

Navy: Extension of 2014 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
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

**SEC. 2208. STATUS OF “NET NEGATIVE” POLICY REGARDING NAVY ACREAGE ON GUAM.**

(a) REPORT ON STATUS.—  
 (1) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Navy shall submit a report to the congressional defense committees regarding the status of the implementation of the “net negative” policy regarding the total number of acres of the real property controlled by the Department of the Navy on Guam, as described in subsection (b).

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

(A) A description of the real property controlled by the Navy on Guam which the Navy has transferred to the control of Guam after January 20, 2011, or which the Navy plans to transfer to the control of Guam, as well as a description of the specific legal authority under which the Navy has transferred or will transfer each such property.

(B) The methodology and process the Navy will use to determine the total number of acres of real property that the Navy will transfer or has transferred to the control of Guam as part of the “net negative” policy, and the date on which the Navy will transfer or has transferred control of any such property.

(C) A description of the real property controlled by the Navy on Guam which the Navy

plans to retain under its control and the reasons for retaining such property, including a detailed explanation of the reasons for retaining any such property which has not been developed or for which no development has been proposed under the current installation master plans for major military installations (as described in section 2864 of title 10, United States Code).

(3) EXCLUSION OF CERTAIN PROPERTY.—In preparing and submitting the report under this subsection, the Secretary may not take into account any real property which has been transferred to the Government of Guam prior to January 20, 2011, to include property under the Guam Excess Lands Act (Public Law 103-339) or the Guam Land Use Plan (GLUP) 1977, or pursuant to base realignment and closure authorized under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) POLICY DESCRIBED.—The “net negative” policy described in this section is the policy of the Secretary of the Navy, as expressed in the statement released by Under Secretary of the Navy on January 20, 2011, that the relocation of Marines to Guam occurring during 2011 will not cause the total number of acres of real property controlled by the Navy on Guam upon the completion of such relocation to exceed the total number of acres of real property controlled by the Navy on Guam prior to such relocation.

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Modification of authority to carry out certain fiscal year 2016 project.

Sec. 2306. Extension of authorization of certain fiscal year 2013 project.

Sec. 2307. Extension of authorization of certain fiscal year 2014 project.

Sec. 2308. Restriction on acquisition of property in Northern Mariana Islands.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alabama .....	Maxwell Air Force Base .....	\$15,000,000
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 .....	\$123,600,000
	Patrick Air Force Base .....	\$13,500,000
Georgia .....	Moody Air Force Base .....	\$30,900,000
Guam .....	Joint Region Marianas .....	\$80,658,000
Illinois .....	Scott Air Force Base .....	\$41,000,000
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 .....	\$30,965,000
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
	Wright-Patterson Air Force Base .....	\$12,600,000
Ohio .....	Altus Air Force Base .....	\$11,600,000
Oklahoma .....	Tinker Air Force Base .....	\$43,000,000
	Joint Base Charleston .....	\$17,000,000
South Carolina .....	Joint Base San Antonio .....	\$67,300,000
Texas .....	Hill Air Force Base .....	\$44,500,000
Utah .....	Joint Base Langley-Eustis .....	\$59,200,000
Virginia .....	Fairchild Air Force Base .....	\$27,000,000
Washington .....	F.E. Warren Air Force Base .....	\$5,550,000
Wyoming .....		

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects out-

side the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installa-

tion or location outside the United States, and in the amount, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Australia .....	Darwin .....	\$30,400,000
Germany .....	Ramstein Air Base .....	\$13,437,000
	Spangdahlem Air Base .....	\$43,465,000
Japan .....	Kadena Air Base .....	\$19,815,000
	Yokota Air Base .....	\$32,020,000
Mariana Islands .....	Unspecified Location .....	\$9,000,000
Turkey .....	Incirlik Air Base .....	\$13,449,000
United Arab Emirates .....	Al Dhafra .....	\$35,400,000
United Kingdom .....	Royal Air Force Croughton .....	\$69,582,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,368,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$56,984,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153)

for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force’s construction guidelines.

**SEC. 2306. EXTENSION OF 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 2301 of that Act (126 Stat. 2126) and extended by section 2309 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1155), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2013 Project Authorization**

State/Country	Installation or Location	Project	Amount
Portugal .....	Lajes Field .....	Sanitary Sewer Lift/Pump Station .....	\$2,000,000

**SEC. 2307. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2014 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the

enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2014 Project Authorizations**

Country	Installation or Location	Project	Amount
Worldwide Unspecified (Italy) .....	Aviano Air Base .....	Guardian Angel Operations Facility .....	\$22,047,000

**SEC. 2308. RESTRICTION ON ACQUISITION OF PROPERTY IN NORTHERN MARIANA ISLANDS.**

The Secretary of the Air Force may not use any of the amounts authorized to be appropriated under section 2304 to acquire property or interests in property at an unspecified location in the Commonwealth of the Northern Mariana Islands, as specified in the funding table set forth in section 2301(b) and the funding table in section 4601, until the congressional defense committees have received from the Secretary a report providing the following information:

(1) The specific location of the property or interest in property to be acquired.

(2) The total cost, scope, and location of the military construction projects and the acquisition of property or interests in property required to support the Secretary’s proposed divert ac-

tivities and exercises in the Commonwealth of the Northern Mariana Islands.

(3) An analysis of any alternative locations that the Secretary considered acquiring, including other locations or interests within the Commonwealth of the Northern Mariana Islands or the Freely Associated States. For purposes of this paragraph, the term “Freely Associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2014 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2013 projects.

Sec. 2406. Extension of authorizations of certain fiscal year 2014 projects.

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Clear Air Force Station .....	\$155,000,000

*Defense Agencies: Inside the United States—Continued*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
	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 .....	\$20,216,000

(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***

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Diego Garcia .....	Diego Garcia .....	\$30,000,000
Germany .....	Kaiserslautern .....	\$45,221,000
Japan .....	Ikakuni .....	\$6,664,000
	Kadena Air Base .....	\$161,224,000
	Yokota Air Base .....	\$113,731,000
Kwajalein .....	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, in the amount set forth in the following table:

***Energy Conservation Projects: Inside the United States***

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
California .....	Edwards Air Force Base .....	\$8,400,000
	Naval Base San Diego .....	\$4,230,000
	Fort Hunter Liggett .....	\$5,400,000
Colorado .....	Fort Carson .....	\$5,000,000
	Schriever Air Force Base .....	\$3,295,000
Florida .....	SUBASE Kings Bay NAS Jacksonville .....	\$3,230,000
Guam .....	NAVBASE Guam .....	\$8,540,000
Hawaii .....	NSAH Wahiawa Kunia Oahu .....	\$14,890,000
Ohio .....	Wright Patterson Air Force Base .....	\$14,400,000
Utah .....	Dugway Proving Ground .....	\$7,500,000
	Tooele Army Depot .....	\$8,200,000
Various Locations .....	Various Locations .....	\$28,088,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Cuba .....	Guantanamo Bay .....	\$6,080,000
Diego Garcia .....	NSF Diego Garcia .....	\$17,010,000
Japan .....	Kadena Air Base .....	\$4,007,000
	Misawa Air Base .....	\$5,315,000
Spain .....	Rota .....	\$3,710,000
Various Locations .....	Various Locations .....	\$2,705,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized

to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 996), for Royal Air Force Lakenheath, United Kingdom, for construction of a high school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127) and amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1160), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan .....	Camp Zama .....	Renovate Zama High School .....	\$13,273,000
Pennsylvania .....	New Cumberland .....	Replace reservoir .....	\$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California .....	Brawley .....	SOF Desert Warfare Training Center .....	\$23,095,000
Germany .....	Kaiserslautern .....	Replace Kaiserslautern Elementary School ..	\$49,907,000
	Ramstein Air Base .....	Replace Ramstein High School .....	\$98,762,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	DISA Pacific Facility Upgrade .....	\$2,615,000
Massachusetts .....	Hanscom Air Force Base .....	Replace Hanscom Primary School .....	\$36,213,000
United Kingdom .....	RAF Lakenheath .....	Replace Lakenheath High School .....	\$69,638,000
Virginia .....	Marine Corps Base Quantico .....	Replace Quantico Middle/High School .....	\$40,586,000
	Pentagon .....	PFPA Support Operations Center .....	\$14,800,000
	Pentagon .....	Raven Rock Administrative Facility Upgrade .....	\$32,000,000
	Pentagon .....	Boundary Channel Access Control Point .....	\$6,700,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organiza-

tion Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North At-

lantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	\$11,600,000
	Army	Camp Humphreys	Duplex Company Operations, Zoeckler Station	\$10,200,000
	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	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
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	\$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	\$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	\$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility	\$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	\$7,500,000
	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	\$74,600,000
	Defense-Wide	USAG Humphreys	Elementary School	\$42,000,000
	Defense-Wide	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	\$9,900,000
	Defense-Wide	K-16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	\$11,000,000

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

*Subtitle A—Project Authorizations and Authorization of Appropriations*

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

*Subtitle B—Other Matters*

- Sec. 2611. Modification of authority to carry out certain fiscal year 2014 project.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2015 project.
- Sec. 2613. Modification of authority to carry out certain fiscal year 2016 project.
- Sec. 2614. Extension of authorization of certain fiscal year 2013 project.

Sec. 2615. Extension of authorizations of certain fiscal year 2014 projects.

**Subtitle A—Project Authorizations and Authorization of Appropriations**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard**

State	Location	Amount
Colorado	Fort Carson	\$16,500,000
Hawaii	Hilo	\$31,000,000
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	Fort Indiantown Gap	\$20,000,000
	York	\$9,300,000
Rhode Island	East Greenwich	\$20,000,000
Utah	Camp Williams	\$37,000,000
Wyoming	Camp Guernsey	\$31,000,000
	Laramie	\$21,000,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

State	Location	Amount
Arizona	Phoenix	\$30,000,000
California	Camp Parks	\$19,000,000
	Fort Hunter Liggett	\$21,500,000
Virginia	Dublin	\$6,000,000
Wisconsin	Fort McCoy	\$11,400,000

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps

Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
Louisiana .....	New Orleans .....	\$11,207,000
New York .....	Brooklyn .....	\$1,964,000
	Syracuse .....	\$13,229,000
Texas .....	Galveston .....	\$8,414,000

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construc-

tion projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

State	Location	Amount
Connecticut .....	Bradley IAP .....	\$6,300,000
Florida .....	Jacksonville IAP .....	\$9,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$11,000,000
Iowa .....	Sioux Gateway Airport .....	\$12,600,000
Maryland .....	Joint Base Andrews .....	\$5,000,000
Minnesota .....	Duluth IAP .....	\$7,600,000
New Hampshire .....	Pease International Trade Port .....	\$1,500,000
North Carolina .....	Charlotte/Douglas IAP .....	\$50,600,000
Ohio .....	Toledo Express Airport .....	\$6,000,000
South Carolina .....	McEntire ANG S .....	\$8,400,000
Texas .....	Ellington Field .....	\$4,500,000
Vermont .....	Burlington IAP .....	\$4,500,000

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606

and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construc-

tion 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 construction 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. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.**

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1163) for MacDill Air Force Base, Florida, for con-

struction of an Army Reserve Center/Aviation Support Facility at that location, the Secretary of the Army may relocate and construct replacement skeet and grenade launcher ranges necessary to clear the site for the new Army Reserve facilities.

**SEC. 2614. 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 authorizations set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1166), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000

SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until

October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Installation or 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
Florida	Homestead ARB	Entry Control Complex	\$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	\$4,000,000
	Martin State Airport	Cyber/ISR Facility	\$8,000,000
New York	Bullville	Army Reserve Center	\$14,500,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Extension of authorizations of certain fiscal year 2014 projects.

Sec. 2702. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.

SEC. 2701. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

Sec. 2801. Modification of criteria for treatment of laboratory revitalization projects as minor military construction projects.

Sec. 2802. Classification of facility conversion projects as repair projects.

Sec. 2803. Limited authority for scope of work increase.

Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2805. Authority to expand energy conservation construction program to include energy resiliency projects.

Sec. 2806. Additional entities eligible for participation in defense laboratory modernization pilot program.

Sec. 2807. Extension of temporary authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Acceptance of military construction projects as payments in-kind and in-kind contributions.

Sec. 2812. Allotment of space and provision of services to WIC offices operating on military installations.

Sec. 2813. Sense of Congress regarding inclusion of stormwater systems and components within the meaning of “wastewater system” under the Department of Defense authority for conveyance of utility systems.

Sec. 2814. Assessment of public schools on Department of Defense installations.

Sec. 2815. Prior certification required for use of Department of Defense facilities by other Federal agencies for temporary housing support.

Subtitle C—Land Conveyances

Sec. 2821. Land conveyance, High Frequency Active Auroral Research Program facility and adjacent property, Gakona, Alaska.

Sec. 2822. Land conveyance, Campion Air Force Radar Station, Galena, Alaska.

Sec. 2823. Lease, Joint Base Elmendorf-Richardson, Alaska.

Sec. 2824. Transfer of administrative jurisdictions, Navajo Army Depot, Arizona.

Sec. 2825. Exchange of property interests, San Diego Unified Port District, California.

Sec. 2826. Release of property interests retained in connection with land conveyance, Eglin Air Force Base, Florida.

Sec. 2827. Land exchange, Fort Hood, Texas.

Sec. 2828. Land Conveyance, P-36 Warehouse, Colbern United States Army Reserve Center, Laredo, Texas.

Sec. 2829. Land conveyance, St. George National Guard Armory, St. George, Utah.

Sec. 2829A. Land acquisitions, Arlington County, Virginia.

Sec. 2829B. Release of restrictions, Richland Innovation Center, Richland, Washington.

Sec. 2829C. Modification of land conveyance, Rocky Mountain Arsenal National Wildlife Refuge.

Sec. 2829D. Closure of St. Marys Airport.

Sec. 2829E. Transfer of Fort Belvoir Mark Center Campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the Pentagon Reservation.

Sec. 2829F. Return of certain lands at Fort Wingate, New Mexico, to the original inhabitants.

Subtitle D—Military Memorials, Monuments, and Museums

Sec. 2831. Cyber Center for Education and Innovation—Home of the National Cryptologic Museum.

Sec. 2832. Renaming site of the Dayton Aviation Heritage National Historical Park, Ohio.

Sec. 2833. Women’s military service memorials and museums.

Sec. 2834. Petersburg National Battlefield boundary modification.

Subtitle E—Designations and Other Matters

Sec. 2841. Designation of portion of Moffett Federal Airfield, California, as Moffett Air National Guard Base.

Sec. 2842. Redesignation of Mike O’Callaghan Federal Medical Center.

Sec. 2843. Replenishment of Sierra Vista sub-watershed regional aquifer, Arizona.

Sec. 2844. Limited exceptions to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.

Sec. 2845. Duration of withdrawal and reservation of public land, Naval Air Weapons Station China Lake, California.

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. MODIFICATION OF CRITERIA FOR TREATMENT OF LABORATORY REVITALIZATION PROJECTS AS MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE IN THRESHOLD.—Section 2805(d) of title 10, United States Code, is amended by striking “\$4,000,000” each place it appears in paragraph (1)(A), (1)(B), and (2) and inserting “\$6,000,000”.

(b) NOTICE REQUIREMENTS.—Section 2805(d) of such title is amended—

(1) by striking the second sentence of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period

beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.”.

(c) **EXTENSION OF SUNSET.**—Paragraph (5) of section 2805(d) of such title is amended by striking “2018” and inserting “2025”.

**SEC. 2802. CLASSIFICATION OF FACILITY CONVERSION PROJECTS AS REPAIR PROJECTS.**

Subsection (e) of section 2811 of title 10, United States Code, is amended to read as follows:

“(e) **REPAIR PROJECT DEFINED.**—In this section, the term ‘repair project’ means a project—

“(1) to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose; or

“(2) to convert a real property facility, system, or component to a new functional purpose without increasing its external dimensions.”.

**SEC. 2803. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.**

(a) **IN GENERAL.**—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking “The scope of work” and inserting “Except as provided in subsection (d), the scope of work”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

“(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

“(2) the increase is approved by the Secretary concerned;

“(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

“(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.”.

(b) **CROSS-REFERENCE AMENDMENTS.**—(1) Subsection (a) of such section is amended by striking “subsection (c) or (d)” and inserting “subsection (c), (d), or (e)”.

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking “through (d)” and inserting “through (e)”.

(c) **ADDITIONAL TECHNICAL AMENDMENT.**—Subsection (a) of such section is further amended by inserting “of this title” after “section 2805(a)”.

**SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2802 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1169), is amended—

(1) in paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2017”; and

(2) in paragraph (2), by striking “fiscal year 2017” and inserting “fiscal year 2018”.

(b) **LIMITATION ON USE OF AUTHORITY.**—Subsection (c)(1) of such section is amended—

(1) by striking “October 1, 2015” and inserting “October 1, 2016”;

(2) by striking “December 31, 2016” and inserting “December 31, 2017”; and

(3) by striking “fiscal year 2017” and inserting “fiscal year 2018”.

**SEC. 2805. AUTHORITY TO EXPAND ENERGY CONSERVATION CONSTRUCTION PROGRAM TO INCLUDE ENERGY RESILIENCY PROJECTS.**

(a) **EXPANSION OF AUTHORITY TO ENERGY RESILIENCY AND ENERGY SECURITY PROJECTS.**—

(1) **IN GENERAL.**—Section 2914 of title 10, United States Code, is amended—

(A) in the section heading, by inserting “**RESILIENCY AND**” before “**CONSERVATION CONSTRUCTION PROJECTS**”; and

(B) in subsection (a), by striking “military construction project for energy conservation” and inserting “military construction project for energy resiliency, energy security, or energy conservation”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2914 and inserting the following new item:

“2914. Energy resiliency and conservation construction projects.”.

(b) **NOTICE AND REPORTING REQUIREMENTS FOR PROJECTS.**—

(1) **CONTENTS OF NOTIFICATIONS.**—

(A) **CONTENTS.**—Section 2914(b) of title 10, United States Code, is amended—

(i) by striking “When a decision” and inserting “(1) When a decision”; and

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

“(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the following information:

“(A) In the case of a military construction project for energy conservation, the justification and current cost estimate for the project, the expected savings-to-investment ratio, simple payback estimates, and the project’s measurement and verification cost estimate.

“(B) In the case of a military construction project for energy resiliency or energy security, the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.”.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall apply with respect to notifications provided during fiscal year 2017 or any succeeding fiscal year.

(2) **ANNUAL REPORT.**—Section 2914 of such title is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT.**—Not later than 90 days after the end of each fiscal year (beginning with fiscal year 2017), the Secretary of Defense shall submit to the appropriate committees of Congress a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

“(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

“(2) In the case of a military construction project for energy conservation—

“(A) the original expected savings-to-investment ratio and simple payback estimates and measurement and verification cost estimate;

“(B) the most current expected savings-to-investment ratio and simple payback estimates and measurement and verification plan and costs; and

“(C) a brief description of the measurement and verification plan and planned funding source.

“(3) In the case of a military construction project for energy resiliency or energy security, the rationale for how the project would enhance mission assurance, support mission critical functions, and address known vulnerabilities.

“(4) Such other information as the Secretary considers appropriate.”.

**SEC. 2806. ADDITIONAL ENTITIES ELIGIBLE FOR PARTICIPATION IN DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM.**

Section 2803(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law

114-92; 129 Stat. 1169; 10 U.S.C. 2358 note) is amended by adding at the end the following:

“(4) A Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Re-invention Laboratory, but nonetheless is involved with developmental test and evaluation.”.

**SEC. 2807. EXTENSION OF TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.**

Section 2804(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1171; 10 U.S.C. 2350 note) is amended by striking “September 30, 2020” and inserting “September 30, 2030”.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. ACCEPTANCE OF MILITARY CONSTRUCTION PROJECTS AS PAYMENTS IN-KIND AND IN-KIND CONTRIBUTIONS.**

(a) **PAYMENTS-IN-KIND AND IN-KIND CONTRIBUTIONS.**—Subsection (f) of section 2687a of title 10, United States Code, is amended to read as follows:

“(f) **ACCEPTANCE OF MILITARY CONSTRUCTION PROJECTS AS PAYMENTS-IN-KIND AND IN-KIND CONTRIBUTIONS.**—(1)(A) Except as provided in subparagraph (B), a military construction project costing more than \$6,000,000 may be accepted as payment-in-kind or as an in-kind contribution required by a bilateral agreement with a host country only if that military construction project is authorized by law.

“(B) Subparagraph (A) does not apply to a military construction project that—

“(i) was specified in a bilateral agreement with a host country that was entered into before December 26, 2013;

“(ii) was the subject of negotiation between the United States and a host country as of the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2015; or

“(iii) was accepted as payment-in-kind for the residual value of improvements made by the United States at military installations released to the host country under section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 10 U.S.C. 2687 note) before December 26, 2013.

“(2)(A) If the Secretary of Defense accepts a military construction project to be built for Department of Defense personnel outside the United States as a payment-in-kind or an in-kind contribution required by a bilateral agreement with a host country, the Secretary shall submit to the congressional defense committees a written notification at least 30 days before the initiation date for any such military construction project.

“(B) A notification under subparagraph (A) with respect to a proposed military construction project shall include the following:

“(i) The requirements for, and purpose and description of, the proposed project.

“(ii) The cost of the proposed project.

“(iii) The scope of the proposed project.

“(iv) The schedule for the proposed project.

“(v) Such other details as the Secretary considers relevant.

“(C) Subparagraph (A) shall not apply to a military construction project authorized in a Military Construction Authorization Act.

“(3) To the extent that a payment-in-kind or an in-kind contribution is provided under a bilateral agreement with a host country with respect to a military construction project for which funds have already been obligated or expended by the Secretary of Defense, the Secretary shall return to the Treasury funds in an amount equal to the value of the funds already obligated or expended for the project.

“(4) In this subsection, the term ‘military construction project’ has the meaning given such term in section 2801 of this title.”

(b) CONFORMING AMENDMENT.—Section 2802 of such title is amended by striking subsection (d).

(c) REPEAL.—Section 2803 of the Carl Levin and Howard “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3696) is repealed, and the provisions of law amended by subsections (a) and (b) of that section shall be restored as if such section had not been enacted into law.

**SEC. 2812. ALLOTMENT OF SPACE AND PROVISION OF SERVICES TO WIC OFFICES OPERATING ON MILITARY INSTALLATIONS.**

(a) ALLOTMENT OF SPACE AND PROVISION OF SERVICES AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2566 the following new section:

**“§2567. Space and services: provision to WIC offices**

“(a) ALLOTMENT OF SPACE AND PROVISION OF SERVICES AUTHORIZED.—Upon application by a WIC office, the Secretary of a military department may allot space on a military installation under the jurisdiction of the Secretary to the WIC office without charge for rent or services if the Secretary determines that—

“(1) the WIC office provides or will provide services solely to members of the armed forces assigned to the installation, civilian employees of the Department of Defense employed at the installation, or dependents of such members or employees;

“(2) space is available on the installation;

“(3) operation of the WIC office will not hinder military mission requirements; and

“(4) the security situation at the installation permits the presence of a non-Federal entity on the installation.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘services’ includes the provision of lighting, heating, cooling, and electricity.

“(2) The term ‘WIC office’ means a local agency (as defined in subsection (b)(6) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)) that participates in the special supplemental nutrition program for women, infants, and children under such section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 152 of title 10, United States Code, is amended by inserting after the item relating to section 2566 the following new item:

“2567. Space and services: provision to WIC offices”.

**SEC. 2813. SENSE OF CONGRESS REGARDING INCLUSION OF STORMWATER SYSTEMS AND COMPONENTS WITHIN THE MEANING OF “WASTEWATER SYSTEM” UNDER THE DEPARTMENT OF DEFENSE AUTHORITY FOR CONVEYANCE OF UTILITY SYSTEMS.**

It is the sense of Congress that the reference to a system for the collection or treatment of wastewater in the definition of “utility system” in section 2688 of title 10, United States Code, which authorizes the Department of Defense to convey utility systems, includes stormwater systems and components.

**SEC. 2814. ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) REPORT REQUIRED.—

(1) UPDATE OF 2011 ASSESSMENT ON SCHOOL CAPACITY AND CONDITION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an update of the assessment on the capacity and facility condition deficiencies of elementary and secondary public schools on military installations conducted by the Secretary in July 2011 under section 8109 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 82). In updating the assessment, the Secretary shall take into consideration factors including—

(A) schools that have had changes in their condition or capacity since the original assessment; and

(B) the capacity and facility condition deficiencies of schools that may have been inadvertently omitted from the original assessment.

(2) ADDITIONAL INFORMATION.—The Secretary shall include in the update submitted under paragraph (1) a report on the status of the funds already appropriated, and the schedule for the completion of projects already approved, under the programs funded under section 8109 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 82), section 8118 of the Consolidated Appropriations Act, 2012 (Public Law 112–74; 125 Stat. 833), section 8108 of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 322), and section 8107 of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2255).

(b) COMPTROLLER GENERAL EVALUATION.—Not later than 180 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an evaluation of the updated assessment prepared by the Secretary of Defense under paragraph (1) of subsection (a), including an evaluation of the accuracy and analytical sufficiency of the updated assessment.

**SEC. 2815. PRIOR CERTIFICATION REQUIRED FOR USE OF DEPARTMENT OF DEFENSE FACILITIES BY OTHER FEDERAL AGENCIES FOR TEMPORARY HOUSING SUPPORT.**

The Secretary of Defense shall not sign a memorandum of agreement with another Federal agency to provide the agency with a vacant facility for purposes of temporary housing support unless the Secretary first submits to the Committees on Armed Services of the House of Representatives and Senate a certification that the provision of the facility to the agency for such purpose will not negatively affect military training, operations, readiness, or other military requirements, including National Guard and Reserve readiness.

**Subtitle C—Land Conveyances**

**SEC. 2821. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.**

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the “University”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the University to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to Ahtna, Incorporated (in this section referred to as “Ahtna”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c),

the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range 1 east; and township 8 north, range 2 east; Copper River Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:

(A) Section 1.

(B) E<sup>1</sup>/<sub>2</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> of section 2.

(C) S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 3.

(D) E<sup>1</sup>/<sub>2</sub> of section 10.

(E) Sections 11 and 12.

(F) That portion of N<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub> of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.

(G) N<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub> of section 14.

(H) NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 15.

(2) Township 7 north, range 2 east:

(A) W<sup>1</sup>/<sub>2</sub> of section 6.

(B) NW<sup>1</sup>/<sub>4</sub> of section 7, and the portion of 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 northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:

(A) SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 35.

(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.

(4) Township 8 north, range 2 east:

(A) W<sup>1</sup>/<sub>2</sub> of section 31.

(c) EXCLUSION OF CERTAIN PROPERTY.—The real property authorized for conveyance under subsection (a) may not include the following:

(1) Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described in such Warranty Deed from Ahtna, Incorporated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) CONVEYANCE TO AHTNA.—As consideration for the conveyance of property under subsection (a)(2), Ahtna shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the

Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are undergoing environmental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) CONVEYANCE AGREEMENT.—The conveyance of land under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate

Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the appropriate Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) SUPERSEDEENCE OF PUBLIC LAND ORDERS.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

**SEC. 2823. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.**

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (“JBER”), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair, and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85-1-99-14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85-1-97-36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-99-14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-97-36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2824. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.**

(a) IN GENERAL.—All administrative jurisdiction of the Secretary of Agriculture over 28,423 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled “Navajo Army Depot Jurisdiction” and dated July 19, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—

(1) AGREEMENT.—The Secretary of the Army and the Secretary of Agriculture shall enter into an agreement to authorize the Secretary of Agriculture to occupy, access by vehicle, and use Volunteer Mountain Lookout for the purposes of wildfire detection and reporting for as long as needed by the Secretary of Agriculture.

(2) MAINTENANCE.—The Secretary of Agriculture shall be responsible for maintaining the Volunteer Mountain Lookout structure. The Secretary of the Army, in coordination with the Secretary of Agriculture, shall be responsible for maintaining road access to Volunteer Mountain Lookout.

(c) RESTORATION OR REMEDIATION.—The Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture from any financial obligation to contribute to any such restoration or remediation.

(d) REVOCATION.—Public Land Order 59 (dated November 12, 1942) and Public Land Order 176 (dated September 29, 1943) are hereby revoked.

(e) REVERSIONARY INTEREST.—On the request of the owners of the Camp Navajo railroad 1 parcel and the Camp Navajo railroad 2 parcel, any reversionary interest of the United States pursuant to the Act of July 27, 1866 (14 Stat. 292, chapter 278), in and to the Camp Navajo railroad 1 parcel shall be transferred to the Camp Navajo railroad 2 parcel.

(f) RELEASE.—On transfer of the reversionary interest under subsection (e), the Camp Navajo railroad 1 parcel shall no longer be subject to the reversionary interest described in that subsection.

(g) DEFINITIONS.—In this section:

(1) CAMP NAVAJO RAILROAD 1 PARCEL.—The term “Camp Navajo railroad 1 parcel” means the land described in the deed recorded in Coconino County, Arizona, on October 6, 2014, as document number 3703647.

(2) CAMP NAVAJO RAILROAD 2 PARCEL.—The term “Camp Navajo railroad 2 parcel” means the parcel of land as described in the deed recorded in Coconino County, Arizona, on June 2, 2006, as document number 3386576.

**SEC. 2825. EXCHANGE OF PROPERTY INTERESTS, SAN DIEGO UNIFIED PORT DISTRICT, CALIFORNIA.**

(a) EXCHANGE OF PROPERTY INTERESTS AUTHORIZED.—

(1) INTERESTS TO BE CONVEYED.—The Secretary of the Navy (hereafter referred to as the “Secretary”) may convey to the San Diego Unified Port District (hereafter referred to as the “District”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and, without limitation, any leasehold interests of the United States therein, consisting of approximately 0.33 acres and identified as Parcel No. 4 on District Drawing No. 018-107 (April 2013). This parcel contains 48 parking spaces central to the mission conducted on the site of the

Navy's leasehold interest at 1220 Pacific Highway, San Diego, California.

(2) INTERESTS TO BE ACQUIRED.—In exchange for the property interests described in paragraph (1), the Secretary may accept from the District property interests of equal value and similar utility, as determined by the Secretary, located within immediate proximity to the property described in paragraph (1), that provide the rights to an equivalent number of parking spaces of equal value (subject to subsection (c)(1)).

(b) ENCUMBRANCES.—

(1) NO ACCEPTANCE OF PROPERTY WITH ENCUMBRANCES PRECLUDING USE AS PARKING SPACES.—In an exchange of property interests under subsection (a), the Secretary may not accept any property under subsection (a)(2) unless the property is free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces, as determined under paragraph (2).

(2) DETERMINATION OF FREEDOM FROM ENCUMBRANCES.—For purposes of paragraph (1), a property shall be considered to be free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces if—

(A) the District guarantees and certifies that the property is free of such encumbrances under its own authority to preclude the use of the property for parking spaces; and

(B) the District obtains guarantees and certifications from appropriate entities of the State and units of local government that the property is free of any such encumbrances that may be in place pursuant to the Tidelands Trust, the North Embarcadero Visionary Plan, the Downtown Community Plan, or any other law, regulation, plan, or document.

(c) EQUALIZATION.—

(1) TRANSFER OF RIGHTS TO ADDITIONAL PARKING SPACES.—If the value of the property interests described in subsection (a)(1) is greater than the value of the property interests and rights to parking spaces described in subsection (a)(2), the values shall be equalized by the transfer to the Secretary of rights to additional parking spaces.

(2) NO AUTHORIZATION OF CASH EQUALIZATION PAYMENTS FROM SECRETARY.—If the value of the property interests and parking rights described in subsection (a)(2) are greater than the value of the property interests described in subsection (a)(1), the Secretary may not make a cash equalization payment to equalize the values.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the District to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the exchange of property interests under this section, including survey costs, costs related to environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests. If amounts are collected from the District in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the exchange of property interests. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(f) CONVEYANCE AGREEMENT.—The exchange of property interests under this section shall be accomplished using a lease, lease amendment, or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the District, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2826. RELEASE OF PROPERTY INTERESTS RETAINED IN CONNECTION WITH LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.**

(a) RELEASE OF EXCEPTIONS, LIMITATIONS, AND CONDITIONS IN DEEDS.—With respect to approximately 126 acres of real property in Okaloosa County, Florida, more particularly described in subsection (b), which were conveyed by the United States to the Air Force Enlisted Mens' Widows and Dependents Home Foundation, Incorporated ("Air Force Enlisted Village"), the Secretary of the Air Force may release, without consideration, any and all exceptions, limitations, and conditions specified by the United States in the deeds conveying such real property.

(b) PROPERTY DESCRIBED.—The real property subject to subsection (a) was part of Eglin Air Force, Florida, and consists of all parcels conveyed in exchange for fair market value cash payment by the Air Force Enlisted Village pursuant to section 809(c) of the Military Construction Authorization Act, 1979 (Public Law 95-356; 92 Stat. 587), as amended by section 2826 of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2123), and section 2861 of the Military Construction Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2223).

(c) INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.—The Secretary may execute and record in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of exceptions, limitations, and conditions under subsection (a).

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) PAYMENT REQUIRED.—The Secretary may require the Air Force Enlisted Village to pay for any costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Air Force Enlisted Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release under subsection (a) shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release of exceptions, limitations, and conditions under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2827. LAND EXCHANGE, FORT HOOD, TEXAS.**

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 437 acres at Fort Hood, Texas, for the purpose of permitting the City to improve arterial transportation routes in the vicinity of Fort Hood and to promote economic development in the area of the City and Fort Hood.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall

convey to the Secretary of the Army all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of the real property acquired by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of the Army.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyances under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2828. LAND CONVEYANCE, P-36 WAREHOUSE, COLBERN UNITED STATES ARMY RESERVE CENTER, LAREDO, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Laredo Community College (in this section referred to as the "LCC") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 0.077 acres, including the approximately 725 sq. ft. Historic Building, P-36 Warehouse, and other improvements thereon, at Colbern United States Army Reserve Center, Laredo, Texas, for the purposes of educational use and historic preservation.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Army shall require the LCC to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the LCC in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the LCC.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to

be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(d) REVERSIONARY INTEREST.—

(1) REVERSION.—If the Secretary of the Army determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(2) PAYMENT OF CONSIDERATION IN LIEU OF REVERSION.—In lieu of exercising the right of reversion retained under paragraph (1) with respect to the property conveyed under subsection (a), the Secretary may require the LCC to pay to the United States an amount equal to the fair market value of the property conveyed, as determined by the Secretary.

(3) TREATMENT OF CASH CONSIDERATION.—Any cash payment received by the United States under paragraph (2) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2829. LAND CONVEYANCE, ST. GEORGE NATIONAL GUARD ARMORY, ST. GEORGE, UTAH.**

(a) LAND CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, as described in Public Land Order 6840 published in the Federal Register on March 29, 1991 (56 Fed. Reg. 13081), and containing the St. George National Guard Armory for the purpose of permitting the Utah National Guard to use the conveyed land for military purposes.

(b) TERMINATION OF PRIOR ADMINISTRATIVE ACTION.—The Public Land Order described in subsection (a), which provided for a 20-year withdrawal of the public land described in the Public Land Order, is withdrawn upon conveyance of the land under this section.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Interior.

(d) CONVEYANCE AGREEMENT.—The conveyance under this section shall be accomplished using a quitclaim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Interior and the State of Utah, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSIONARY INTEREST.—If the Secretary of the Interior determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

**SEC. 2829A. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.**

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation, or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title, and interest in and to land—

(A) from Arlington County (in this section referred to as the “County”), one or more parcels of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth of Virginia (in this section referred to as the “Commonwealth”), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Washington Boulevard-Columbia Pike interchange, but excluding the Virginia Department of Transportation Maintenance and Operations Facility.

(2) SELECTION OF PROPERTY FOR ACQUISITION.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north of Columbia Pike through a realignment of Southgate Road to the western boundary of the former Navy Annex site; and

(B) to support the realignment and straightening of Columbia Pike and redesign of the Washington Boulevard-Columbia Pike interchange.

(3) CONSIDERATION.—The Secretary is authorized to expend amounts up to fair market value consideration for the interests in land acquired under this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) EXCHANGE.—In carrying out the acquisition authorized in subsection (a), in lieu of the consideration authorized under subsection (a)(3), the Secretary may convey through land exchange—

(A) to the County, all right, title, and interest of the United States in and to one or more parcels of real property, together with any improvements thereon, located south of current Columbia Pike and west of South Joyce Street in Arlington County, Virginia;

(B) to the Commonwealth, all right, title, and interest of the United States in and to one or more parcels of property east of Joyce Street in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, either real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) EXCHANGE VALUE.—

(A) MINIMUM VALUE.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) CASH EQUALIZATION.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the

United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) APPRAISALS.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) REPEAL OF AUTHORITY.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3712) is repealed.

**SEC. 2829B. RELEASE OF RESTRICTIONS, RICHLAND INNOVATION CENTER, RICHLAND, WASHINGTON.**

(a) RELEASE AUTHORIZED.—The Secretary of Transportation, acting through the Maritime Administrator and in consultation with the Administrator of General Services, may, upon receipt of full consideration as provided in subsection (b), release all remaining right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Richland, Washington, consisting as of the date of the enactment of this Act of approximately 71.5 acres and containing personal and real property, to the Port of Benton (hereafter in this section referred to as the “Port”).

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the release under subsection (a), the Port shall provide an amount that is acceptable to the Secretary of Transportation, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, at such time as the Secretary may require. The Secretary may determine the level of acceptable consideration under this paragraph on the basis of the value of the restrictions released under subsection (a), but only if the value of such restrictions is determined without regard to any improvements made by the Port.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the Port under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility or infrastructure under the jurisdiction of any office of the Federal Government.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.

(c) PAYMENT OF COST OF RELEASE.—

(1) PAYMENT REQUIRED.—The Secretary of Transportation shall require the Port to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the release under subsection (a), including survey costs, costs for environmental documentation related to the release, and any other administrative costs related to the release. If amounts are collected from the Port in advance of the Secretary incurring the

actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the Port.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release under subsection (a) or, if the period of availability of obligations for that appropriation has expired, to the appropriations of fund that is currently available to the Secretary for the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property which is the subject of the release under subsection (a) shall be determined by a survey satisfactory to the Secretary of Transportation.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Transportation may require such additional terms and conditions in connection with the release under subsection (a) as the Secretary, in consultation with the Administrator of General Services, considers appropriate to protect the interests of the United States.

**SEC. 2829C. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE.**

Section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402; 16 U.S.C. 668dd note) is amended by adding at the end the following new subparagraph:

“(C)(i) Notwithstanding clause (i) of subparagraph (A), the restriction attached to any deed to any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if a determination is made that the property will be protective of human health and the environment for the proposed use with an adequate margin of safety following the modification or removal of the restriction.

“(ii) The determination described in clause (i) shall be made after—

“(I) the performance of a risk assessment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

“(II) the completion of response actions that are necessary to protect human health and the environment to allow for the proposed use.

“(iii) The Secretary of the Army shall not be responsible or liable for any of the following:

“(I) The cost of the risk assessment performed under subclause (I) of clause (ii) or any response actions described in subclause (II) of clause (ii).

“(II) Any damages attributable to the use of property for residential or industrial purposes as the result of the modification or removal of a deed restriction pursuant to clause (i), or the costs of any actions taken in response to such damages.”

**SEC. 2829D. CLOSURE OF ST. MARYS AIRPORT.**

(a) **RELEASE OF RESTRICTIONS.**—Subject to subsection (b), the United States, acting through the Administrator of the Federal Aviation Administration, shall release the city of St. Marys, Georgia, from all restrictions, conditions, and limitations on the use, encumbrance, conveyance, and closure of the St. Marys Airport, to the extent such restrictions, conditions, and limitations are enforceable by the Administrator.

(b) **REQUIREMENTS FOR RELEASE OF RESTRICTIONS.**—The Administrator shall execute the release under subsection (a) once all of the following occurs:

(1) The Secretary of the Navy transfers to the Georgia Department of Transportation the amounts described in subsection (c) and requires

as an enforceable condition on such transfer that all funds transferred shall be used only for airport development (as defined in section 47102 of title 49, United States Code) of a general aviation airport in Georgia, consistent with planning efforts conducted by the Administrator and the Georgia Department of Transportation.

(2) The city of St. Marys, for consideration as provided for in this section, grants to the United States, under the administrative jurisdiction of the Secretary, a restrictive use easement in the real property used for the St. Marys Airport, as determined acceptable by the Secretary, under such terms and conditions as the Secretary considers necessary to protect the interests of the United States and prohibiting the future use of such property for all aviation-related purposes and any other purposes deemed by the Secretary to be incompatible with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(3) The Secretary obtains an appraisal to determine the fair market value of the real property used for the St. Marys Airport in the manner described in subsection (c)(1).

(4) The Administrator fulfills the obligations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the release under subsection (a). In carrying out such obligations—

(A) the Administrator shall not assume or consider any potential or proposed future redevelopment of the current St. Marys airport property;

(B) any potential new general aviation airport in Georgia shall be deemed to be not connected with the release noted in subsection (a) nor the closure of St. Marys Airport; and

(C) any environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a potential general aviation airport in Georgia shall be considered through an environmental review process separate and apart from the environmental review made a condition of release by this section.

(c) **TRANSFER OF AMOUNTS DESCRIBED.**—The amounts described in this subsection are the following:

(1) An amount equal to the fair market value of the real property of the St. Marys Airport, as determined by the Secretary and concurred in by the Administrator, based on an appraisal report and title documentation that—

(A) is prepared or adopted by the Secretary, and concurred in by the Administrator, not more than 180 days prior to the transfer described in subsection (b)(1); and

(B) meets all requirements of Federal law and the appraisal and documentation standards applicable to the acquisition and disposal of real property interests of the United States.

(2) An amount equal to the unamortized portion of any Federal development grants (including grants available under a State block grant program established pursuant to section 47128 of title 49, United States Code), other than used for the acquisition of land, paid to the city of St. Marys for use as the St. Marys Airport.

(3) An amount equal to the airport revenues remaining in the airport account for the St. Marys Airport as of the date of the enactment of this Act and as otherwise due to or received by the city of St. Marys after such date of enactment pursuant to sections 47107(b) and 47133 of title 49, United States Code.

(d) **AUTHORIZATION FOR TRANSFER OF FUNDS.**—Using funds available to the Department of the Navy for operation and maintenance, the Secretary may pay the amounts described in subsection (c) to the Georgia Department of Transportation, conditioned as described in subsection (b)(1).

(e) **ADDITIONAL REQUIREMENTS.**—

(1) **SURVEY.**—The exact acreage and legal description of St. Marys Airport shall be determined by a survey satisfactory to the Secretary and concurred in by the Administrator.

(2) **PLANNING OF GENERAL AVIATION AIRPORT.**—Any planning effort for the development

of a new general aviation airport in southeast Georgia using the amounts described in subsection (c) shall be conducted in coordination with the Secretary, and shall ensure that any such airport does not encroach on the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to limit the applicability of—

(1) the requirements and processes under section 46319 of title 49, United States Code;

(2) the requirements and processes under part 157 of title 14, Code of Federal Regulations; or

(3) the public notice requirements under section 47107(h)(2) of title 49, United States Code.

**SEC. 2829E. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.**

(a) **INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.**—

(1) **DEFINITION OF PENTAGON RESERVATION.**—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:

“(1) The term ‘Pentagon Reservation’ means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.”

(2) **OTHER DEFINITIONS.**—Such subsection is further amended by adding at the end the following new paragraphs:

“(3) The term ‘Pentagon’ means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

“(4) The term ‘Mark Center Campus’ means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

“(5) The term ‘Raven Rock Mountain Complex’ means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.”

(3) **CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.**—Subsection (b)(1) of such section is amended by inserting “for the Pentagon Reservation and” after “law enforcement and security functions”.

(4) **CONFORMING AMENDMENT RELATING TO DEFINITIONS.**—Subsection (g) of such section is repealed.

(b) **UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.**—Subsection (a) of such section is amended—

(1) by striking “Jurisdiction” and inserting “The Secretary of Defense has jurisdiction”; and

(2) by striking “is transferred to the Secretary of Defense”.

(c) **REPEAL OF OBSOLETE REPORTING REQUIREMENT.**—Such subsection is further amended—

(1) by striking “(1)” after “(a)”; and

(2) by striking paragraphs (2) and (3).

(d) **SUBSECTION CAPTIONS.**—Such section is further amended—

(1) in subsection (a), as amended by subsection (c) of this section, by inserting “PENTAGON RESERVATION.—” after “(a)”; and

(2) in subsection (b), by striking “(b)(1)” and inserting “(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)”; and

(3) in subsection (c), by striking “(c)(1)” and inserting “(c) REGULATIONS AND ENFORCEMENT.—(1)”; and

(4) in subsection (d), by inserting “AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—” after “(d)”; and

(5) in subsection (e), by striking “(e)(1)” and inserting “(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)”; and

(6) in subsection (f), by inserting “DEFINITIONS.—” after “(f)”.

**SEC. 2829F. RETURN OF CERTAIN LANDS AT FORT WINGATE, NEW MEXICO, TO THE ORIGINAL INHABITANTS.**

(a) DIVISION AND TREATMENT OF LANDS OF FORMER FORT WINGATE DEPOT ACTIVITY, NEW MEXICO, TO BENEFIT THE ZUNI TRIBE AND NAVAJO NATION.—

(1) IMMEDIATE TRUST ON BEHALF OF ZUNI TRIBE; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (b), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark blue on the map titled “The Fort Wingate Depot Activity Negotiated Property Division April 2016” (in this section referred to as the “Map”) and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Zuni Tribe as part of the Zuni Reservation, unless the Zuni Tribe otherwise elects under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(2) IMMEDIATE TRUST ON BEHALF OF THE NAVAJO NATION; EXCEPTION.—Subject to valid existing rights and to easements reserved pursuant to subsection (b), all right, title, and interest of the United States in and to the lands of Former Fort Wingate Depot Activity depicted in dark green on the Map and transferred to the Secretary of the Interior are to be held in trust by the Secretary of the Interior for the Navajo Nation as part of the Navajo Reservation, unless the Navajo Nation otherwise elects under clause (ii) of paragraph (3)(C) to have the parcel conveyed to it in Restricted Fee Status.

(3) SUBSEQUENT TRANSFER AND TRUST; RESTRICTED FEE STATUS ALTERNATIVE.—

(A) TRANSFER UPON COMPLETION OF REMEDIATION.—Not later than 60 days after the date on which the Secretary of the Army, with the concurrence of the New Mexico Environment Department, notifies the Secretary of the Interior that remediation of a parcel of land of Former Fort Wingate Depot Activity has been completed consistent with subsection (c), the Secretary of the Army shall transfer administrative jurisdiction over the parcel to the Secretary of the Interior.

(B) NOTIFICATION OF TRANSFER.—Not later than 30 days after the date on which the Secretary of the Army transfers administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity under subparagraph (A), the Secretary of the Interior shall notify the Zuni Tribe and Navajo Nation of the transfer of administrative jurisdiction over the parcel.

(C) TRUST OR RESTRICTED FEE STATUS.—

(i) TRUST.—Except as provided in clause (ii), the Secretary of the Interior shall hold each parcel of land of Former Fort Wingate Depot Activity transferred under subparagraph (A) in trust—

(I) for the Zuni Tribe, in the case of land depicted in blue on the Map; or

(II) for the Navajo Nation, in the case of land depicted in green on the Map.

(ii) RESTRICTED FEE STATUS.—In lieu of having a parcel of land held in trust under clause (i), the Zuni Tribe, with respect to land depicted in blue on the Map, and the Navajo Nation, with respect to land depicted in green on the Map, may elect to have the Secretary of the Interior convey the parcel or any portion of the parcel to it in restricted fee status.

(iii) NOTIFICATION OF ELECTION.—Not later than 45 days after the date on which the Zuni Tribe or the Navajo Nation receives notice under subparagraph (B) of the transfer of administrative jurisdiction over a parcel of land of Former Fort Wingate Depot Activity, the Zuni Tribe or the Navajo Nation shall notify the Secretary of the Interior of an election under clause (ii) for conveyance of the parcel or any portion of the parcel in restricted fee status.

(iv) CONVEYANCE.—As soon as practicable after receipt of a notice from the Zuni Tribe or the Navajo Nation under clause (iii), but in no case later than 6 months after receipt of the notice, the Secretary of the Interior shall convey, in restricted fee status, the parcel of land of Former Fort Wingate Depot Activity covered by the notice to the Zuni Tribe or the Navajo Nation, as the case may be.

(v) RESTRICTED FEE STATUS DEFINED.—For purposes of this section only, the term “restricted fee status”, with respect to land conveyed under clause (iv), means that the land so conveyed—

(I) shall be owned in fee by the Indian tribe to whom the land is conveyed;

(II) shall be part of the Indian tribe’s Reservation and expressly made subject to the jurisdiction of the Indian Tribe;

(III) shall not be sold by the Indian tribe without the consent of Congress;

(IV) shall not be subject to taxation by a State or local government other than the government of the Indian tribe; and

(V) shall not be subject to any provision of law providing for the review or approval by the Secretary of the Interior before an Indian tribe may use the land for any purpose, directly or through agreement with another party.

(4) SURVEY AND BOUNDARY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary of the Interior shall—

(i) provide for the survey of lands of Former Fort Wingate Depot Activity taken into trust for the Zuni Tribe or the Navajo Nation or conveyed in restricted fee status for the Zuni Tribe or the Navajo Nation under paragraph (1), (2), or (3); and

(ii) establish legal boundaries based on the Map as parcels are taken into trust or conveyed in restricted fee status.

(B) CONSULTATION.—Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior shall consult with the Zuni Tribe and the Navajo Nation to determine their priorities regarding the order in which parcels should be surveyed and, to the greatest extent feasible, the Secretary shall follow these priorities.

(5) RELATION TO CERTAIN REGULATIONS.—Part 151 of title 25, Code of Federal Regulations, shall not apply to taking lands of Former Fort Wingate Depot Activity into trust under paragraph (1), (2), or (3).

(6) FORT WINGATE LAUNCH COMPLEX LAND STATUS.—Upon certification by the Secretary of Defense that the area generally depicted as “Fort Wingate Launch Complex” on the Map is no longer required for military purposes and can be transferred to the Secretary of the Interior—

(A) the areas generally depicted as “FWLC A” and “FWLC B” on the Map shall be held in trust by the Secretary of the Interior for the Zuni Tribe in accordance with this subsection; and

(B) the areas generally depicted as “FWLC C” and “FWLC D” on the Map shall be held in trust by the Secretary of the Interior for the Navajo Nation in accordance with this subsection.

(b) TEMPORARY RETENTION OF NECESSARY EASEMENTS AND ACCESS.—

(1) TREATMENT OF EXISTING EASEMENTS, PERMIT RIGHTS, AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be held in trust with easements, permit rights, and rights-of-way, and access associated with such easements, permit rights, and rights-of-way, of any applicable utility service provider in existence or for which an application is pending for existing facilities at the time of the conveyance or change to trust status, including the right to upgrade applicable utility services recognized and preserved, for a period of 40 years beginning on the date of the conveyance or change to trust status and without the

right of revocation during such period (except as provided in subparagraph (B)).

(B) TERMINATION.—During the 40-year period referred to in subparagraph (A), an easement, permit right, or right-of-way recognized and preserved under subparagraph (A) shall terminate only—

(i) on the relocation of an applicable utility service referred to in subparagraph (A), but only with respect to that portion of the utility facilities that are relocated; or

(ii) with the consent of the holder of the easement, permit right, or right-of-way.

(C) ADDITIONAL EASEMENTS.—During the 40-year period referred to in subparagraph (A), the Secretary of the Interior shall grant to a utility service provider, without consideration, such additional easements across lands held in trust or conveyed in restricted fee status pursuant to subsection (a) as the Secretary considers necessary to accommodate the relocation or reconnection of a utility service existing on the date of enactment of this section.

(2) ACCESS FOR ENVIRONMENTAL RESPONSE ACTIONS.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be subject to reserved access by the United States as the Secretary of the Army and the Secretary of the Interior determine are reasonably required to permit access to lands of Former Fort Wingate Depot Activity for administrative and environmental response purposes. The Secretary of the Army shall provide to the governments of the Zuni Tribe and the Navajo Nation written copies of all access reservations under this subsection.

(3) SHARED ACCESS.—

(A) PARCEL 1 SHARED CULTURAL AND RELIGIOUS ACCESS.—In the case of the lands of Former Fort Wingate Depot Activity depicted as Parcel 1 on the Map, the lands shall be held in trust subject to a shared easement for cultural and religious purposes only. Both the Zuni Tribe and the Navajo Nation shall have unhindered access to their respective cultural and religious sites within Parcel 1. Within 1 year after the date of the enactment of this section, the Zuni Tribe and the Navajo Nation shall exchange detailed information to document the existence of cultural and religious sites within Parcel 1 for the purpose of carrying out this subparagraph. The information shall also be provided to the Secretary of the Interior.

(B) OTHER SHARED ACCESS.—Subject to the written consent of both the Zuni Tribe and the Navajo Nation, the Secretary of the Interior may facilitate shared access to other lands held in trust or restricted fee status pursuant to subsection (a), including, but not limited to, religious and cultural sites.

(4) I-40 FRONTAGE ROAD ENTRANCE.—The access road for the Former Fort Wingate Depot Activity, which originates at the frontage road for Interstate 40 and leads to the parcel of the Former Fort Wingate Depot Activity depicted as “administration area” on the Map, shall be held in common by the Zuni Tribe and Navajo Nation to provide for equal access to Former Fort Wingate Depot Activity.

(5) COMPATIBILITY WITH DEFENSE ACTIVITIES.—The lands of Former Fort Wingate Depot Activity held in trust or conveyed in restricted fee status pursuant to subsection (a) shall be subject to reservations by the United States as the Secretary of Defense determines are reasonably required to permit access to lands of the Fort Wingate launch complex for administrative, test operations, and launch operations purposes. The Secretary of Defense shall provide the governments of the Zuni Tribe and the Navajo Nation written copies of all reservations under this paragraph.

(c) ENVIRONMENTAL REMEDIATION.—Nothing in this section shall be construed as alleviating, altering, or affecting the responsibility of the United States for cleanup and remediation of Former Fort Wingate Depot Activity in accordance with the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980.

(d) **PROHIBITION ON GAMING.**—Any real property of the Former Fort Wingate Depot Activity and all other real property subject to this section shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

**Subtitle D—Military Memorials, Monuments, and Museums**

**SEC. 2831. CYBER CENTER FOR EDUCATION AND INNOVATION-HOME OF THE NATIONAL CRYPTOLOGIC MUSEUM.**

(a) **AUTHORITY TO ESTABLISH AND OPERATE CENTER.**—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

**“§4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum**

“(a) **ESTABLISHMENT.**—The Secretary of Defense may establish at a publicly accessible location at Fort George G. Meade the ‘Cyber Center for Education and Innovation-Home of the National Cryptologic Museum’ (in this section referred to as the ‘Center’). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency, its predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

“(b) **DESIGN, CONSTRUCTION, AND OPERATION.**—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the ‘Foundation’), a nonprofit organization, for the design, construction, and operation of the Center.

“(c) **ACCEPTANCE AUTHORITY.**—

“(1) **ACCEPTANCE OF FACILITY.**—If the Foundation constructs the Center pursuant to an agreement with the Foundation under subsection (b), upon satisfactory completion of the Center’s construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center (or any phase thereof) from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

“(2) **ACCEPTANCE OF SERVICES.**—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation in connection with the design, construction, and operation of the Center. For purposes of this section and any other provision of law, employees or personnel of the Foundation shall not be considered to be employees of the United States.

“(d) **FEES AND USER CHARGES.**—

“(1) **AUTHORITY TO ASSESS FEES AND USER CHARGES.**—The Secretary may assess fees and user charges sufficient to cover the cost of the use of Center facilities and property, including rental, user, conference, and concession fees.

“(2) **USE OF FUNDS.**—Amounts received by the Secretary under paragraph (1) shall be deposited into the Fund established under subsection (e).

“(e) **FUND.**—

“(1) **ESTABLISHMENT.**—Upon the Secretary’s acceptance of the Center under subsection (c)(1), there is established in the Treasury a fund to be known as the Cyber Center for Education and Innovation-Home of the National Cryptologic Museum Fund (in this section referred to as the ‘Fund’).

“(2) **CONTENTS.**—The Fund shall consist of the following amounts:

“(A) Fees and user charges deposited by the Secretary under subsection (d).

“(B) Any other amounts received by the Secretary which are attributable to the operation of the Center.

“(3) **USE OF FUND.**—Amounts in the Fund shall be available to the Secretary for the benefit and operation of the Center, including the costs of operation and the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

“(4) **CONTINUING AVAILABILITY OF AMOUNTS.**—Amounts in the Fund shall be available without fiscal year limitation.”

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

“4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.”

**SEC. 2832. RENAMING SITE OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.**

Section 101(b)(5) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)(5)) is amended by striking “Aviation Center” and inserting “National Museum”.

**SEC. 2833. 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 nonprofit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) **OFFSET.**—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than \$5,000,000 shall be provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

**SEC. 2834. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.**

(a) **IN GENERAL.**—The boundary of the Petersburg National Battlefield is modified to include the land and interests in land as generally depicted on the map titled “Petersburg National Battlefield Proposed Boundary Expansion”, numbered 325/80,080, and dated June 2007/March 2016. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ACQUISITION OF PROPERTIES.**—

(1) **AUTHORITY.**—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the land and interests in land described in subsection (a) from willing sellers only, by donation, purchase with donated or appropriated funds, exchange, or transfer.

(2) **TECHNICAL CORRECTION.**—Section 313(a) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3479) is amended by striking “twenty-one” and inserting “23”.

(c) **ADMINISTRATION.**—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) **ADMINISTRATIVE JURISDICTION TRANSFER.**—

(1) **IN GENERAL.**—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2).

(2) **MAP.**—The parcels of land described in paragraph (1) are depicted on the map titled

“Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80,801A, dated May 2011/March 2016. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) **CONDITIONS OF TRANSFER.**—The transfer of administrative jurisdiction under paragraph (1) is subject to the following conditions:

(A) **NO REIMBURSEMENT OR CONSIDERATION.**—The transfer shall be without reimbursement or consideration.

(B) **MANAGEMENT.**—

(i) **LAND TRANSFERRED TO THE SECRETARY OF THE ARMY.**—The land transferred to the Secretary of the Army under paragraph (1)(A) shall be excluded from the boundary of the Petersburg National Battlefield.

(ii) **LAND TRANSFERRED TO THE SECRETARY.**—The land transferred to the Secretary under paragraph (1)(B)—

(I) shall be included within the boundary of the Petersburg National Battlefield; and

(II) shall be administered as part of Petersburg National Battlefield in accordance with applicable laws and regulations.

**Subtitle E—Designations and Other Matters**

**SEC. 2841. DESIGNATION OF PORTION OF MOFFETT FEDERAL AIRFIELD, CALIFORNIA, AS MOFFETT AIR NATIONAL GUARD BASE.**

(a) **DESIGNATION.**—The 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the 129th Rescue Wing of the California Air National Guard shall be known and designated as “Moffett Air National Guard Base”.

(b) **REFERENCES.**—Any reference in any law, regulation, map, document, paper, or other record of the United States to the cantonment area at Moffett Federal Airfield described in subsection (a) shall be considered to be a reference to Moffett Air National Guard Base.

**SEC. 2842. REDESIGNATION OF MIKE O’CALLAGHAN FEDERAL MEDICAL CENTER.**

Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), and as amended by section 2862 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1701), is further amended—

(1) by striking “Mike O’Callaghan Federal Medical Center” each place it appears and inserting “Mike O’Callaghan Military Medical Center”; and

(2) in the heading, by striking “MIKE O’CALLAGHAN” and all that follows and inserting “MIKE O’CALLAGHAN MILITARY MEDICAL CENTER”.

**SEC. 2843. REPLENISHMENT OF SIERRA VISTA SUBWATERSHED REGIONAL AQUIFER, ARIZONA.**

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1439).

**SEC. 2844. LIMITED EXCEPTIONS TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.**

(a) **REVISION.**—Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3701), the Secretary of Defense may proceed with a public infrastructure project on Guam which is described in subsection (b) if—

(1) the project was identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1017); and

(2) amounts have been appropriated or made available to be expended by the Department of Defense for the project.

(b) PROJECTS DESCRIBED.—A project described in this subsection is any of the following:

(1) A project intended to improve water and wastewater systems.

(2) A project intended to improve curation of archeological and cultural artifacts.

(c) REPEAL OF SUPERSEDED LAW.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1177) is repealed.

**SEC. 2845. DURATION OF WITHDRAWAL AND RESERVATION OF PUBLIC LAND, NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA.**

Section 2979 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66; 127 Stat. 1047) is amended by striking “March 31, 2039” and inserting “March 31, 2064”.

**Navy: Outside the United States**

Country	Installation	Amount
Djibouti .....	Camp Lemonier .....	\$37,409,000
Iceland .....	Keflavik .....	\$19,600,000

**SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

struction projects for the installations outside the United States, and in the 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

**SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602 and 4603.

**TITLE XXX—UTAH TEST AND TRAINING RANGE AND RELATED MATTERS**

Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

- Sec. 3001. Definitions.
- Sec. 3002. Memorandum of agreement.
- Sec. 3003. Temporary closures.
- Sec. 3004. Liability.
- Sec. 3005. Community resource advisory group.
- Sec. 3006. Savings clauses.

Subtitle B—Bureau of Land Management Land Exchange With State of Utah

- Sec. 3011. Definitions.
- Sec. 3012. Exchange of Federal land and non-Federal land.
- Sec. 3013. Status and management of non-Federal land acquired by the United States.
- Sec. 3014. Hazardous substances.

Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

**SEC. 3001. DEFINITIONS.**

In this subtitle:

(1) BLM LAND.—The term “BLM land” means certain public land administered by the Bureau of Land Management 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 July 21, 2016.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—The term “Utah Test and Training Range” means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

**SEC. 3002. MEMORANDUM OF AGREEMENT.**

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this subtitle.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 3005 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this subtitle.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**

Sec. 2901. Authorized Navy construction and land acquisition projects.

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Authorization of appropriations.

**SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 3001(1).

(c) LAND SAFETY.—If decontamination of the BLM land is necessary due to an action of the Air Force, the Secretary of the Air Force shall—

- (1) render the BLM land safe for public use; and
- (2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this subtitle.

(e) GRAZING.—

(1) EFFECT.—Nothing in this subtitle affects the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal

Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) **MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.**—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) **WITHDRAWAL.**—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

**SEC. 3003. TEMPORARY CLOSURES.**

(a) **IN GENERAL.**—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) **LIMITATIONS.**—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods that the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and  
(ii) as infrequently as practicable and in no case for more than 10 days per year; and  
(C) shall in no case be for longer than a 6-hour period per day.

(c) **NOTICE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) **SPECIAL NOTIFICATION PROCEDURES.**—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) **MAXIMUM ANNUAL CLOSURES.**—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) **PROHIBITION ON CERTAIN TEMPORARY CLOSURES.**—The northernmost area identified as “Newfoundland’s” on the map described in section 3001(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) **EMERGENCY GROUND RESPONSE.**—A temporary closure of a portion of the BLM land

shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) **LIVESTOCK.**—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) **LAW ENFORCEMENT AND SECURITY.**—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

**SEC. 3004. LIABILITY.**

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

**SEC. 3005. COMMUNITY RESOURCE ADVISORY GROUP.**

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Advisory Group (referred to in this section as the “Community Group”) to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) **CHAIRPERSON.**—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) **AIR FORCE PERSONNEL.**—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) **CONDITIONS AND TERMS OF APPOINTMENT.**—

(1) **IN GENERAL.**—Each member of the Community Group shall serve voluntarily and without compensation.

(2) **TERM OF APPOINTMENT.**—

(A) **IN GENERAL.**—Each member of the Community Group shall be appointed for a term of 4 years.

(B) **ORIGINAL MEMBERS.**—Notwithstanding subparagraph (A), the Secretary shall select ½ of the original members of the Community Group to serve for a term of 4 years and the other ½ of the original members of the Community Group to serve for a term of 2 years, to ensure the replacement of members shall be staggered from year to year.

(C) **REAPPOINTMENT AND REPLACEMENT.**—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has resigned; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) **RESPONSIBILITIES OF COMMUNITY GROUP.**—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) **NOTICE.**—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) **EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) **RECOMMENDATIONS OF COMMUNITY GROUP.**—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) **TERMINATION OF AUTHORITY.**—

(1) **IN GENERAL.**—The Community Group shall terminate on the date that is seven years after the date of enactment of this Act.

(2) **EARLY TERMINATION.**—The Secretary and the Community Group, acting jointly, may elect to terminate the Community Group before the date provided in subsection (a).

**SEC. 3006. SAVINGS CLAUSES.**

(a) **EFFECT ON WEAPON IMPACT AREA.**—Nothing in this subtitle expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) **EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.**—Nothing in this subtitle precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) **EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.**—Nothing in this subtitle limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) **EFFECT ON EXISTING RIGHTS AND AGREEMENTS.**—Except as otherwise provided in section 3003, nothing in this subtitle limits or alters any existing right or right of access to—

(1) the Knolls Special Recreation Management Area; or

(2)(A) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(B) any other county or community pit located within close proximity to the BLM land.

(e) **INTERSTATE 80.**—Nothing in this subtitle authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) **EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.**—Nothing in this subtitle affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

(g) **EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.**—Nothing in this subtitle affects the memorandum of understanding entered

into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this subtitle alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this subtitle diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

### Subtitle B—Bureau of Land Management Land Exchange With State of Utah

#### SEC. 3011. DEFINITIONS.

In this subtitle:

(1) EXCHANGE MAP.—The term “Exchange Map” means the map prepared by the Bureau of Land Management entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated July 21, 2016.

(2) FEDERAL LAND.—The term “Federal land” means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as “BLM Lands Proposed for Transfer to State Trust Lands”.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) “State Trust Land Proposed for Transfer to BLM”; and

(B) “State Trust Minerals Proposed for Transfer to BLM”.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Utah, acting through the School and Institutional Trust Lands Administration.

#### SEC. 3012. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this subtitle notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this subtitle.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this subtitle shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this subtitle shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this subtitle requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under this subtitle shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this subtitle shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this subtitle before the completion of the land exchange.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this subtitle—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—

(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land,

the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled “Bureau of Land Management Environmental Assessment UT-100-06-EA”, numbered UTU-82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under this subtitle is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this subtitle prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If non-Federal land conveyed by the State under this subtitle is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this subtitle is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

#### SEC. 3013. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) IN GENERAL.—On conveyance to the United States under this subtitle, the non-Federal land shall be managed by the Secretary in

accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) **NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.**—On conveyance to the Secretary under this subtitle, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) **NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.**—On conveyance to the Secretary under this subtitle, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

**SEC. 3014. HAZARDOUS SUBSTANCES.**

(a) **COSTS.**—Except as provided in subsection (b), the costs of remedial actions relating to hazardous substances on land acquired under this subtitle shall be paid by those entities responsible for the costs under applicable law.

(b) **REMEDICATION OF PRIOR TESTING AND TRAINING ACTIVITY.**—The Secretary of the Air Force shall bear all costs of remediation required as a result of the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this subtitle.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs and Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Nuclear energy.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

Sec. 3111. Independent acquisition project reviews of capital assets acquisition projects.

Sec. 3112. Protection of certain nuclear facilities and assets from unmanned aircraft.

Sec. 3113. Common financial reporting system for the nuclear security enterprise.

Sec. 3114. Rough estimate of total life cycle cost of tank waste cleanup at Hanford Nuclear Reservation.

Sec. 3115. Annual certification of shipments to Waste Isolation Pilot Plant.

Sec. 3116. Disposition of weapons-usable plutonium.

Sec. 3117. Design basis threat.

Sec. 3118. Industry best practices in operations at National Nuclear Security Administration facilities and sites.

Sec. 3119. Pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.

Sec. 3120. Research and development of advanced naval nuclear fuel system based on low-enriched uranium.

Sec. 3121. Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy.

Sec. 3122. Prohibition on availability of funds for programs in Russian Federation.

Sec. 3123. Limitation on availability of funds for Federal salaries and expenses.

Sec. 3124. Limitation on availability of funds for defense environmental cleanup program direction.

Sec. 3125. Limitation on availability of funds for acceleration of nuclear weapons dismantlement.

**Subtitle C—Plans and Reports**

Sec. 3131. Independent assessment of technology development under defense environmental cleanup program.

Sec. 3132. Updated plan for verification and monitoring of proliferation of nuclear weapons and fissile material.

Sec. 3133. Report on the use of highly-enriched uranium for naval reactors.

Sec. 3134. Analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.

Sec. 3135. Clarification of annual report and certification on status of security of atomic energy defense facilities.

Sec. 3136. Report on service support contracts and authority for appointment of certain personnel.

Sec. 3137. Elimination of certain reporting requirements.

Sec. 3138. Report on United States nuclear deterrence.

**Subtitle A—National Security Programs and Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, \$25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, \$11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$1,400,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 17–D–401, Saltstone Disposal Unit #7, Savannah River Site, Aiken, South Carolina, \$9,729,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3104. NUCLEAR ENERGY.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.**

(a) **IN GENERAL.**—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2772)

is amended by inserting after section 4732 the following new section:

**“SEC. 4733. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.**

“(a) **REVIEWS.**—The appropriate head shall ensure that an independent entity conducts reviews of each capital assets acquisition project as the project moves toward the approval of each of critical decision 0, critical decision 1, and critical decision 2 in the acquisition process.

“(b) **PRE-CRITICAL DECISION 1 REVIEWS.**—In addition to any other matters, with respect to each review of a capital assets acquisition project under subsection (a) that has not reached critical decision 1 approval in the acquisition process, such review shall include—

“(1) a review using best practices of the analysis of alternatives for the project; and

“(2) identification of any deficiencies in such analysis of alternatives for the appropriate head to address.

“(c) **INDEPENDENT ENTITIES.**—The appropriate head shall ensure that each review of a capital assets acquisition project under subsection (a) is conducted by an independent entity with the appropriate expertise with respect to the project and the stage in the acquisition process of the project.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘acquisition process’ means the acquisition process for a project, as defined in Department of Energy Order 413.3B (relating to project management and project management for the acquisition of capital assets), or a successor order.

“(2) The term ‘appropriate head’ means—

“(A) the Administrator, with respect to capital assets acquisition projects of the Administration; and

“(B) the Assistant Secretary of Energy for Environmental Management, with respect to capital assets acquisition projects of the Office of Environmental Management.

“(3) The term ‘capital assets acquisition project’ means a project—

“(A) the total project cost of which is more than \$500,000,000; and

“(B) that is covered by Department of Energy Order 413.3, or a successor order, for the acquisition of capital assets for atomic energy defense activities.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for such Act is amended by inserting after the item relating to section 4732 the following new item:

“Sec. 4733. Independent acquisition project reviews of capital assets acquisition projects.”.

**SEC. 3112. PROTECTION OF CERTAIN NUCLEAR FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.**

(a) **IN GENERAL.**—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

**“SEC. 4510. PROTECTION OF CERTAIN NUCLEAR FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.**

“(a) **AUTHORITY.**—Notwithstanding any provision of title 18, United States Code, the Secretary of Energy may take such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Energy, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

“(b) **ACTIONS DESCRIBED.**—(1) The actions described in this paragraph are the following:

“(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

“(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

“(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

“(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

“(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

“(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

“(2) The Secretary of Energy shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

“(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Energy is subject to forfeiture to the United States.

“(d) REGULATIONS.—The Secretary of Energy and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered facility or asset’ means any facility or asset that is—

“(A) identified by the Secretary of Energy for purposes of this section;

“(B) located in the United States (including the territories and possessions of the United States); and

“(C) owned by the United States or contracted to the United States, to store or use special nuclear material.

“(2) The terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).”

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 4509 the following new item:

“Sec. 4510. Protection of certain nuclear facilities and assets from unmanned aircraft.”

**SEC. 3113. COMMON FINANCIAL REPORTING SYSTEM FOR THE NUCLEAR SECURITY ENTERPRISE.**

(a) IN GENERAL.—By not later than four years after the date of the enactment of this Act, the Administrator for Nuclear Security shall, in consultation with the National Nuclear Security Administration Council established by section 4102(b) of the Atomic Energy Defense Act (50 U.S.C. 2512(b)), complete, to the extent practicable, the implementation of a common financial reporting system for the nuclear security enterprise.

(b) ELEMENTS.—The common financial reporting system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds of the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying and reporting costs for programs of records and base capabilities within the Administration.

(4) A capability to leverage, where appropriate, the Defense Cost Analysis Resource Cen-

ter of the Office of Cost Assessment and Program Evaluation of the Department of Defense using historical costing data by the Administration.

(c) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2017, and annually thereafter, the Administrator shall, in consultation with the National Nuclear Security Administration Council, submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial reporting system for the nuclear security enterprise as required by subsection (a).

(2) REPORT.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, challenges, benefits, and costs related to the implementation of a common financial reporting system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial reporting system for the nuclear security enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial reporting system for the nuclear security enterprise, including an update on possible risks, challenges, and costs related to such implementation.

(3) TERMINATION.—No report is required under this subsection after the completion of the implementation of a common financial reporting system for the nuclear security enterprise.

(d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term “nuclear security enterprise” has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

**SEC. 3114. ROUGH ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD NUCLEAR RESERVATION.**

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Nuclear Reservation, Richland, Washington.

(b) ELEMENTS.—The rough estimate of the total life cycle cost required by subsection (a) shall include cost estimates for the following:

(1) The Waste Treatment and Immobilization Plant, assuming a hot start occurs in 2033 and initial plant operations commence in 2036.

(2) Operations of the Waste Treatment and Immobilization Plant, assuming operations continue through 2061.

(3) Tank waste management and treatment, assuming operations of the Waste Treatment and Immobilization Plant continue through 2061.

(4) Anticipated increases in the volume of waste in the double shell tanks resulting from tank waste management activities.

(5) High-level waste canister temporary storage and preparation for permanent disposal.

(6) Any additional facilities, including additional evaporative capacity, that may be needed to treat tank waste at Hanford Nuclear Reservation.

(c) COST ESTIMATING BEST PRACTICES.—To the maximum extent practicable, the rough estimate of the total life cycle cost required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees, as part of the rough estimate of the total life cycle cost required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities con-

ducted before the date on which the rough estimate of the total life cycle cost is required to be submitted under that subsection.

**SEC. 3115. ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.**

(a) IN GENERAL.—In order to ensure that waste shipments to the Waste Isolation Pilot Plant, Carlsbad, New Mexico (in this section referred to as “WIPP”) are packaged and handled properly to prevent the release of radiation or contamination above regulatory limits, the Secretary of Energy shall submit to the congressional defense committees, not later than February 1 of each year during the five-year period beginning on the date of the enactment of this Act, a written certification that—

(1) the Secretary knew of the contents of such shipments during the 12-month period preceding the date of the certification and has ensured that the Secretary will know of the contents of such shipments planned during the 12-month period following the date of the certification; and

(2) such shipments made during the 12-month period preceding the date of the certification were sufficiently safe and secure for transportation and disposal and the Secretary has ensured that such shipments planned during the 12-month period following the date of the certification will be sufficiently safe and secure for transportation and disposal.

(b) ADDITIONAL ASSURANCES.—The Secretary shall submit to the congressional defense committees, with the certification required by subsection (a), assurances that—

(1) the Carlsbad Field Office of the Department of Energy has certified that—

(A) the contents of each shipment of waste that arrived at WIPP during 12-month period preceding the date of the certification met the criteria for accepting waste at WIPP; and

(B) the Office will ensure that the waste destined for WIPP during the 12-month period following the date of the certification is packaged according to the criteria for accepting waste at WIPP;

(2) the Assistant Secretary of Energy for Environmental Management has reviewed and accepted the certification of the Carlsbad Field Office under paragraph (1); and

(3) the Administrator for Nuclear Security has ensured that waste destined for WIPP that was packaged at facilities of the National Nuclear Security Administration during the 12-month period preceding the date of the certification, and waste planned to be packaged at such facilities during the 12-month period following the date of the certification, and for which the Administration is responsible, meets the criteria for accepting waste at WIPP.

**SEC. 3116. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.**

(a) CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES AT MOX FACILITY.—

(1) IN GENERAL.—Using funds described in paragraph (2), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.

(B) Funds authorized to be appropriated for a fiscal year prior to fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities that are unobligated as of the date of the enactment of this Act.

(b) ASSESSMENT OF THE MOX FACILITY CONTRACT BY OWNER’S AGENT.—

(1) ARRANGEMENT WITH OWNER’S AGENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections

1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner's agent with respect to preparing the report required by paragraph (2).

(2) REPORT OF OWNER'S AGENT.—

(A) IN GENERAL.—The Chief of Engineers shall prepare a report on the contract for the construction, management and operations of the MOX facility, as in effect on the date of the enactment of this Act, that includes the following:

(i) An assessment of the contractual, technical, and managerial risks for the Department of Energy and the contractor.

(ii) An assessment of what elements of the contract can be changed to—

(I) a fixed price provision;

(II) a fixed price incentive fee provision; or

(III) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(iii) An assessment of the options under clause (ii), including milestones, cost, schedules, and any damage fees for those options.

(iv) Recommendations on changes to the contract, based on the assessments described in clauses (i), (ii), and (iii), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(v) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to clause (iv), an assessment of the risks and costs associated with that element and a description of why that element is not appropriate for the provision types described in clause (ii).

(B) CONSULTATIONS.—In preparing the report required by subparagraph (A), the Chief of Engineers shall consult with the Secretary, the contractor referred to in subparagraph (A)(i), and other knowledgeable parties, as the Chief of Engineers considers appropriate.

(C) SUBMISSION TO SECRETARY.—Not later than 30 days after entering into the arrangement under paragraph (1), the Chief of Engineers shall submit to the Secretary the report required by subparagraph (A).

(3) SUBMISSIONS BY DEPARTMENT OF ENERGY.—Not later than 60 days after receiving the report required by paragraph (2), the Secretary shall transmit to the congressional defense committees and the Comptroller General of the United States—

(A) the report;

(B) any comments of the Secretary with respect to the report;

(C) a determination of whether the contractor referred to in paragraph (2)(A)(i) will or will not agree to the revisions to the contract recommended by the Chief of Engineers and offered by the Secretary to the contractor;

(D) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions; and

(E) any other materials relating to the potential modification of the contract that the Secretary considers appropriate.

(4) BRIEFING BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under paragraph (3), the Comptroller General of the United States shall brief the congressional defense committees on the actions taken by the Secretary under this subsection, to be followed by a written report not later than 120 days after the briefing is provided to Congress.

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term “project support activities” means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

**SEC. 3117. DESIGN BASIS THREAT.**

(a) UPDATE TO ORDER.—Not later than 30 days after the date of the enactment of this Act,

the Secretary of Energy shall update Department of Energy Order 470.3B relating to the design basis threat for protecting nuclear weapons, special nuclear material, and other critical assets in the custody of the Department of Energy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) should promulgate regular, biannual updates to the Nuclear Security Threat Capabilities Assessment to better inform nuclear security postures within the Department of Defense and the Department of Energy;

(2) the Department of Defense and the Department of Energy should closely, and in real-time, track and assess national, regional, and local threats to the defense nuclear facilities of the respective Departments; and

(3) the Department of Defense and the Department of Energy should regularly review assessments and other input provided by activities described in paragraphs (1) and (2) and adjust security postures accordingly.

**SEC. 3118. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.**

(a) COMMITTEE ON INDUSTRY BEST PRACTICES IN OPERATIONS.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the “committee”) to identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purposes of—

(1) improving mission performance and effectiveness;

(2) lowering costs and administrative burdens; and

(3) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing the national security laboratories and the nuclear weapons production facilities (as those terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purposes described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administrator may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the appropriate congressional committees a report on the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices of industry in the operations of the facilities and sites of the Administration.

(E) An estimate of the costs to be saved as a result of the best practices of industry implemented by the Administration at the facilities and sites of the Administration, set forth by fiscal year.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(e) TERMINATION.—The committee shall terminate after the submittal under subsection (d) of the report required by that subsection that covers 2021.

**SEC. 3119. PILOT PROGRAM ON UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program under which each national security laboratory (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)) is prohibited from using funds described in subsection (b) to cover the costs of general and administrative overhead for the laboratory.

(b) FUNDS DESCRIBED.—The funds described in this subsection are funds made available for a national security laboratory under section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) for laboratory-directed research and development.

(c) DURATION.—The pilot program required by subsection (a) shall—

(1) take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act; and

(2) terminate on the date that is three years after the day described in paragraph (1).

(d) REPORT REQUIRED.—Before the termination under subsection (c)(2) of the pilot program required by subsection (a), the Administrator for Nuclear Security shall submit to the congressional defense committees a report that assesses the costs, benefits, risks, and other effects of the pilot program.

**SEC. 3120. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.**

(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Energy may be obligated or expended to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(b) EXCEPTION.—Of the funds authorized to be appropriated by this Act or otherwise made

available for fiscal year 2017 for defense nuclear nonproliferation, as specified in the funding table in division D, not more than \$5,000,000 shall be made available to the Deputy Administrator for Naval Reactors of the National Nuclear Security Administration for initial planning and early research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(c) **BUDGET MATTERS.**—Section 3118 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following new paragraph:

“(2) **BUDGET REQUESTS.**—If the Secretaries determine under paragraph (1) that research and development of an advanced naval nuclear fuel system based on low-enriched uranium should continue, the Secretaries shall ensure that each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2018 and each fiscal year thereafter in which such research and development is carried out includes in the budget line item for the ‘Defense Nuclear Nonproliferation’ account amounts necessary to carry out the conceptual plan under subsection (b).”; and

(2) in subsection (d), by striking “for material management and minimization”.

**SEC. 3121. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.**

(a) **REQUESTS FOR CONCEPTUAL DESIGN FUNDS.**—Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking “\$3,000,000” and inserting “\$5,000,000”.

(b) **CONSTRUCTION DESIGN.**—Subsection (b) of such section is amended by striking “\$1,000,000” each place it appears and inserting “\$2,000,000”.

**SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROGRAMS IN RUSSIAN FEDERATION.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—None of the funds described in paragraph (2) may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(2) **FUNDS DESCRIBED.**—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for atomic energy defense activities.

(B) Funds authorized to be appropriated or otherwise made available for a fiscal year prior to fiscal year 2017 for atomic energy defense activities that are unobligated or unexpended as of the date of the enactment of this Act.

(b) **WAIVER.**—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a)(1) only if—

(1) the Secretary determines, in writing, that a nuclear-related threat arising in the Russian Federation must be addressed urgently and it is necessary to waive the prohibition to address that threat;

(2) the Secretary of State and the Secretary of Defense concur in the determination under paragraph (1);

(3) the Secretary of Energy submits to the appropriate congressional committees a report containing—

(A) a notification that the waiver is in the national security interest of the United States;

(B) justification for the waiver, including the determination under paragraph (1); and

(C) a description of the activities to be carried out pursuant to the waiver, including the expected cost and timeframe for such activities; and

(4) a period of 15 days elapses following the date on which the Secretary submits the report under paragraph (3).

(c) **EXCEPTION.**—The prohibition under subsection (a)(1) and the requirements under sub-

section (b) to waive that prohibition shall not apply to an amount, not to exceed \$3,000,000, that the Secretary may make available for the Department of Energy Russian Health Studies Program.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR FEDERAL SALARIES AND EXPENSES.**

(a) **IN GENERAL.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the National Nuclear Security Administration for defense-related Federal salaries and expenses, not more than 90 percent may be obligated or expended until the date on which the Secretary of Energy submits to the congressional defense committees and the congressional intelligence committees the following:

(1) The updated plan on the designing and building of prototypes of nuclear weapons that is required—

(A) by paragraph (2) of section 4509(a) of the Atomic Energy Defense Act (50 U.S.C. 2660(a)), to be developed by not later than the date on which the budget of the President for fiscal year 2018 is submitted to Congress; and

(B) by paragraph (3)(B) of such section, to be submitted to the congressional defense committees and the congressional intelligence committees.

(2) A description of the determination of the Secretary under paragraph (4)(B) of such section with respect to the manner in which the designing and building of prototypes of nuclear weapons is carried out under such updated plan.

(b) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 3124. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE ENVIRONMENTAL CLEANUP PROGRAM DIRECTION.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for defense environmental cleanup for program direction, not more than 90 percent may be obligated or expended until the date on which the Secretary of Energy submits to Congress the future-years defense environmental cleanup plan required to be submitted during 2017 under section 4402A of the Atomic Energy Defense Act (50 U.S.C. 2582a).

**SEC. 3125. LIMITATION ON AVAILABILITY OF FUNDS FOR ACCELERATION OF NUCLEAR WEAPONS DISMANTLEMENT.**

(a) **LIMITATION ON MAXIMUM AMOUNT FOR DISMANTLEMENT.**—Of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration, not more than \$56,000,000 may be obligated or expended in each such fiscal year to carry out the nuclear weapons dismantlement and disposition activities of the Administration.

(b) **LIMITATION ON ACCELERATION OF DISMANTLEMENT ACTIVITIES.**—Except as provided by subsection (c), none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration may be obligated or expended to accelerate the nuclear weapons dismantlement activities of the United States to a rate that exceeds the rate described in the Stockpile Stewardship and Management Plan schedule.

(c) **EXCEPTION.**—The limitation in subsection (b) shall not apply to the following:

(1) The dismantlement of a nuclear weapon not covered by the Stockpile Stewardship and Management Plan schedule if the Administrator for Nuclear Security certifies, in writing, to the congressional defense committees that—

(A) the components of the nuclear weapon are directly required for the purposes of a current life extension program; or

(B) such dismantlement is necessary to conduct maintenance or surveillance of the nuclear weapons stockpile or to ensure the safety or reliability of the nuclear weapons stockpile.

(2) The dismantlement of a nuclear weapon if the President certifies, in writing, to the congressional defense committees that—

(A) such dismantlement is being carried out pursuant to a nuclear arms reduction treaty or similar international agreement that requires such dismantlement; and

(B) such treaty or similar international agreement—

(i) has entered into force after the date of the enactment of this Act; and

(ii) was approved—

(I) with the advice and consent of the Senate pursuant to clause 2 of section 2 of Article II of the Constitution of the United States after the date of the enactment of this Act; or

(II) by an Act of Congress, as described in section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(d) **STOCKPILE STEWARDSHIP AND MANAGEMENT PLAN SCHEDULE DEFINED.**—In this section, the term “Stockpile Stewardship and Management Plan schedule” means the schedule described in table 2-7 of the annex of the report titled “Fiscal Year 2016 Stockpile Stewardship and Management Plan” submitted in March 2015 by the Administrator for Nuclear Security to the congressional defense committees under section 4203(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

**Subtitle C—Plans and Reports**

**SEC. 3131. INDEPENDENT ASSESSMENT OF TECHNOLOGY DEVELOPMENT UNDER DEFENSE ENVIRONMENTAL CLEANUP PROGRAM.**

(a) **ASSESSMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall seek to enter into an agreement with the National Academy of Sciences to conduct an independent assessment of the technology development efforts of the defense environmental cleanup program of the Department of Energy.

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

(1) A review of the technology development efforts of the defense environmental cleanup program of the Department of Energy, including an assessment of the process by which the Secretary identifies and chooses technologies to pursue under the program.

(2) A comprehensive review and assessment of technologies or alternative approaches to defense environmental cleanup efforts that could—

(A) reduce the long-term costs of such efforts;

(B) accelerate schedules for carrying out such efforts;

(C) mitigate uncertainties, vulnerabilities, or risks relating to such efforts; or

(D) otherwise significantly improve the defense environmental cleanup program.

(c) **SUBMISSION.**—Not later than the date that is 18 months after the date of the enactment of this Act, the National Academy of Sciences shall submit to the congressional defense committees and the Secretary a report on the assessment under subsection (a).

**SEC. 3132. UPDATED PLAN FOR VERIFICATION AND MONITORING OF PROLIFERATION OF NUCLEAR WEAPONS AND FISSILE MATERIAL.**

(a) **UPDATED PLAN.**—

(1) **TRANSMISSION.**—Not later than 90 days after the date of the enactment of this Act, the

President shall transmit to the appropriate congressional committees a comprehensive and detailed update to the plan developed under section 3133(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3896) with respect to verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(2) **FORM.**—The updated plan under paragraph (1) shall be transmitted in unclassified form, but may include a classified annex.

(b) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for supporting the Executive Office of the President, \$10,000,000 may not be obligated or expended until the date on which the President transmits to the appropriate congressional committees the updated plan under subsection (a)(1).

(c) **BRIEFING.**—Not later than 30 days after the date of the enactment of this Act, the President shall provide to the Committees on Armed Services of the Senate and House of Representatives (and any other appropriate congressional committee upon request) an interim briefing on the updated plan under subsection (a)(1).

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.
- (3) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
- (4) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.
- (5) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**SEC. 3133. REPORT ON THE USE OF HIGHLY-ENRICHED URANIUM FOR NAVAL REACTORS.**

(a) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Secretary of Energy, and the Secretary of State, shall, in accordance with the protection of sources and methods, submit to the appropriate congressional committees a report that includes the following:

- (1) An assessment on the current and anticipated intentions of countries producing or using highly-enriched uranium in naval reactors or considering the development of naval reactors.
- (2) An evaluation of the security measures each country producing or using highly-enriched uranium in naval reactors has in place.
- (3) An evaluation of the potential effects on nuclear nonproliferation efforts and the naval reactor programs and related actions of other countries if the United States pursued the development of an advanced low-enriched uranium fuel for certain United States naval reactors as described in the report of the Director of Naval Reactors to Congress, dated July 2016 and entitled “Conceptual Research and Development Plan for Low-Enriched Uranium Naval Fuel”.
- (4) Such other information or updates as the Director of National Intelligence, the Secretary of Defense, the Secretary of Energy, and the Secretary of State consider appropriate.

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

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 3134. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

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

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immobilizing the low-activity waste.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the “Resource Conservation and Recovery Act of 1976”), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the “Clean Water Act”), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) **REVIEW OF ANALYSIS.**—

(1) **IN GENERAL.**—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) **METHOD OF REVIEW.**—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(3) **PUBLIC REVIEW.**—In conducting the review required paragraph (1), the National Academies of Sciences, Engineering, and Medicine shall provide an opportunity for public comment, with sufficient notice, to inform and improve the quality of the review.

(d) **CONSULTATION WITH STATE.**—Prior to the submission in accordance with subsection (e)(2) of the analysis required by subsection (a) and the review of the analysis required by subsection (c), the federally funded research and development center and the National Academies of Sciences, Engineering, and Medicine shall provide to the State of Washington—

- (1) the analysis and review in draft form; and

(2) an opportunity to comment on the analysis and review for a period of not less than 60 days.

(e) **SUBMISSION TO CONGRESS.**—

(1) **BRIEFINGS ON PROGRESS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the materials described in paragraph (2) are submitted in accordance with that paragraph, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review of the analysis required by subsection (c).

(2) **COMPLETED ANALYSIS AND REVIEW.**—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (c), any comments of the State of Washington under subsection (d)(2), and any comments of the Secretary on the analysis or the review of the analysis.

(f) **LIMITATIONS.**—

(1) **SECRETARY OF ENERGY.**—This section does not conflict with or impair the obligation of the Secretary to comply with any requirement of—

(A) the amended consent decree in *Washington v. Moniz*, No. 2:08-CV-5085-RMP (E.D. Wash.); or

(B) the Hanford Federal Facility Agreement and Consent Order.

(2) **STATE OF WASHINGTON.**—This section does not conflict with or impair the regulatory authority of the State of Washington under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the “Resource Conservation and Recovery Act of 1976”) and any corresponding State law.

**SEC. 3135. CLARIFICATION OF ANNUAL REPORT AND CERTIFICATION ON STATUS OF SECURITY OF ATOMIC ENERGY DEFENSE FACILITIES.**

Section 4506(b)(1)(B) of the Atomic Energy Defense Act (50 U.S.C. 2657(b)(1)(B)) is amended to read as follows:

“(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.”

**SEC. 3136. REPORT ON SERVICE SUPPORT CONTRACTS AND AUTHORITY FOR APPOINTMENT OF CERTAIN PERSONNEL.**

(a) **ANNUAL REPORT ON SERVICE SUPPORT CONTRACTS.**—Section 3241A(f) of the National Nuclear Security Administration Act (50 U.S.C. 2441a(f)) is amended by adding at the end the following new paragraph:

“(5) With respect to each contract identified under paragraph (2)—

“(A) the cost of the contract; and

“(B) identification of the program or program direction accounts that support the contract.”

(b) **EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN PERSONNEL.**—Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “2016” and inserting “2020”.

**SEC. 3137. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.**

(a) **REPORTS ON PLAN TO PROTECT AGAINST INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.**—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) by striking subsection (e); and

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

(b) **GAO REPORT ON PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**—Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 50 U.S.C. 2571 note) is amended—

(1) in subsection (b)(1), by striking “, and to the Comptroller General of the United States.”;

(2) by striking subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GAO STUDY ON ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO MODERNIZATION AND REFURBISHMENT OF NUCLEAR WEAPONS STOCKPILE.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

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

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

“(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.”.

(d) STRATEGY ON RISKS TO NONPROLIFERATION CAUSED BY ADDITIVE MANUFACTURING.—Section 3139(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1215; 50 U.S.C. 2367 note) is amended to read as follows:

“(b) BRIEFINGS.—

“(1) IN GENERAL.—Not later than March 31, 2016, and annually thereafter through 2019, the President shall provide to the appropriate congressional committees a briefing on the strategy developed under subsection (a).

“(2) INTERIM BRIEFINGS.—In addition to the briefings required by paragraph (1), the President shall provide to the appropriate congressional committees a notification or briefing if there is a development in additive manufacture technology, or increased use of additive manufacture technology, that could pose an increased risk to the United States from nuclear proliferation.”.

**SEC. 3138. REPORT ON UNITED STATES NUCLEAR DETERRENCE.**

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Energy shall, consistent with the protection of sources and methods, submit to the appropriate congressional committees the full, unredacted report, and any related materials, titled “U.S. Nuclear Deterrence in the Coming Decades”, dated August 15, 2014.

(b) COVER LETTER.—The Secretary may submit to the appropriate congressional committees, with the report submitted under subsection (a), a cover letter containing any views or perspectives of the Secretary on the report or related matters.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and  
(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2017, \$31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$14,950,000 for fiscal year 2017 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

**TITLE XXXV—MARITIME MATTERS**

Subtitle A—Maritime Administration, Coast Guard, and Shipping Matters

Sec. 3501. Authorization of the Maritime Administration.

Sec. 3502. Authority to extend certain age restrictions relating to vessels in the Maritime Security Fleet.

Sec. 3503. Corrections to provisions enacted by Coast Guard Authorization Acts.

Sec. 3504. Status of National Defense Reserve Fleet vessels.

Sec. 3505. NDRF national security multi-mission vessel.

Sec. 3506. Superintendent of United States Merchant Marine Academy.

Sec. 3507. Use of National Defense Reserve Fleet scrapping proceeds.

Sec. 3508. Floating dry docks.

Sec. 3509. Transportation worker identification credentials for individuals undergoing separation, discharge, or release from the Armed Forces.

Sec. 3510. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.

Sec. 3511. Sexual assault response coordinators and sexual assault victim advocates.

Sec. 3512. Report from the Department of Transportation Inspector General.

Sec. 3513. Sexual assault prevention and response working group.

Sec. 3514. Sea Year compliance.

Sec. 3515. State maritime academy physical standards and reporting.

Sec. 3516. Appointments.

Sec. 3517. Maritime workforce working group.

Sec. 3518. Maritime extreme weather task force.

Sec. 3519. Workforce plans and onboarding policies.

Sec. 3520. Drug and alcohol policy.

Sec. 3521. Vessel transfers.

Sec. 3522. Clarifying amendment; continuation boards.

Sec. 3523. Polar icebreaker recapitalization plan.

Sec. 3524. GAO report on icebreaking capability in United States.

Subtitle B—Pribilof Islands Transition Completion

Sec. 3531. Short title.

Sec. 3532. Conveyance of property.

Sec. 3533. Transfer, use, and disposal of tract 43.

Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

Sec. 3541. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.

Sec. 3542. Actions to address sexual assault at National Oceanic and Atmospheric Administration.

Sec. 3543. Rights of the victim of a sexual assault.

Sec. 3544. Change of station.

Sec. 3545. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.

Sec. 3546. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

Sec. 3547. Sexual assault defined.

Subtitle A—Maritime Administration, Coast Guard, and Shipping Matters

**SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.**

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$99,902,000, of which—

(A) \$74,851,000 shall be for Academy operations; and

(B) \$25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$29,550,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) \$3,000,000 shall remain available until expended for direct payments to such academies;

(C) \$22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) \$1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) \$350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$36,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, \$58,694,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$20,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$299,997,000.

(7) For expenses necessary to provide assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, \$30,000,000, of which—

(A) \$5,000,000 shall remain available until expended for training grants; and

(B) \$25,000,000 shall remain available until expended for capital and related improvements.

(8) For administrative expenses associated with the program authorized by chapter 537 of title 46, United States Code, \$3,000,000, which shall remain available until expended.

**SEC. 3502. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS IN THE MARITIME SECURITY FLEET.**

(a) AUTHORITY.—

(1) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

“(g) AUTHORITY TO EXTEND MAXIMUM SERVICE AGE FOR VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may, for a particular participating fleet vessel, treat the ages specified in section 53101(5)(A)(ii) and section 53106(c)(3) as increased by up to 5 years if the Secretaries jointly determine that it is in the national interest to do so.”.

(2) CONFORMING AMENDMENT.—The heading of subsection (f) of such section is amended to read as follows: “AUTHORITY TO WAIVE AGE RESTRICTION FOR ELIGIBILITY OF A VESSEL TO BE INCLUDED IN FLEET.—”.

(b) REPEAL OF REDUNDANT AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking “or (C);” and inserting “; or”;

(2) in subparagraph (B), by striking “; or” and inserting a period; and

(3) by striking subparagraph (C).

**SEC. 3503. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.**

(a) SHORT TITLE CORRECTION.—The Coast Guard Authorization Act of 2015 (Public Law 114–120) is amended by striking “Coast Guard Authorization Act of 2015” each place it appears (including in quoted material) and inserting “Coast Guard Authorization Act of 2016”.

(b) TITLE 46, UNITED STATES CODE.—

(1) EXAM REVIEW.—Section 7510(c) of title 46, United States Code, is amended—

(A) in paragraph (1)(D), by striking “engine” and inserting “engineer”; and

(B) in paragraph (9), by inserting a period after “App”.

(2) VESSEL CERTIFICATION.—Section 4503(f)(2) of title 46, United States Code, is amended by striking “, that” and inserting “, then”.

(c) PROVISIONS RELATING TO THE PRIBILOF ISLANDS.—Section 521 of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by subsection (a), is amended by striking “2015” and inserting “2016”.

(d) TITLE 14, UNITED STATES CODE.—

(1) REDISTRIBUTION OF AUTHORIZATIONS OF APPROPRIATIONS.—Section 2702 of title 14, United States Code, is amended—

(A) in paragraph (1)(B), by striking “\$6,981,036,000” and inserting “\$6,986,815,000”; and

(B) in paragraph (3)(B), by striking “\$140,016,000” and inserting “\$134,237,000”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of part III of title 14, United States Code, is amended by striking the period at the end of the item relating to chapter 29.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of Public Law 114–120.

**SEC. 3504. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.**

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405) is amended—

(1) in subsection (a), by adding at the end the following: “Vessels in the National Defense Reserve Fleet, including vessels loaned to State maritime academies, shall be considered public vessels of the United States.”; and

(2) by adding at the end the following:

“(g) VESSEL STATUS.—A vessel in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet shall remain a vessel within the meaning of that term in section 3 of title 1, United States Code, and subject to the rights and responsibilities of a vessel under admiralty law at least until such time as the vessel is delivered to a dismantling facility or is disposed of otherwise from the National Defense Reserve Fleet.”.

**SEC. 3505. NDRF NATIONAL SECURITY MULTI-MISSION VESSEL.**

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Chief of Naval Operations and the Commandant of the Coast Guard, shall ensure that the Maritime Administrator takes all necessary actions—

(1) to complete the design of a national security multi-mission vessel for the National Defense Reserve Fleet to allow for the construction of such vessel to begin in fiscal year 2018; and

(2) subject to the availability of appropriations, to have an entity enter into a contract for the construction of such vessel in accordance with this section.

(b) USE OF VESSEL.—A vessel constructed pursuant to this section shall be for use—

(1) as a training vessel that can be provided to State maritime academies under section 51504(b) of title 46, United States Code; and

(2) in conducting humanitarian assistance, disaster response, domestic and foreign emergency contingency operations, and other authorized uses of vessels of the National Defense Reserve Fleet.

(c) CONSTRUCTION AND DOCUMENTATION REQUIREMENTS.—A vessel constructed pursuant to this section shall meet the requirements for and be issued a certificate of documentation and a coastwise endorsement under chapter 121 of title 46, United States Code.

(d) DESIGN STANDARDS AND CONSTRUCTION PRACTICES.—Subject to subsection (c), a vessel constructed pursuant to this section shall be constructed using commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.

(e) CONSULTATION WITH OTHER FEDERAL ENTITIES.—The Maritime Administrator may consult and coordinate with the Secretary of the Navy regarding the vessel described in subsection (a) and activities associated with such vessel.

(f) CONTRACTING.—The Maritime Administrator shall provide for an entity other than the Maritime Administration to contract for the construction of the vessel described in subsection (a).

(g) REPEAL OF PLAN APPROVAL REQUIREMENT.—Section 109(j)(3) of title 49, United States Code, is repealed.

**SEC. 3506. SUPERINTENDENT OF UNITED STATES MERCHANT MARINE ACADEMY.**

(a) IN GENERAL.—Section 51301 of title 46, United States Code, is amended by adding at the end the following:

“(c) SUPERINTENDENT.—

“(1) IN GENERAL.—The immediate command of the United States Merchant Marine Academy shall be in the Superintendent of the Academy, subject to the direction of the Maritime Administrator under the general supervision of the Secretary of Transportation.

“(2) APPOINTMENT.—The Secretary of Transportation shall appoint as the Superintendent—

“(A) an individual who has—

“(i) attained a general or flag officer rank in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; and

“(ii) served at sea in any rank; and

“(B) an individual who has—

“(i)(I) served at sea in the Navy, Army, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration; or

“(II) held a valid Coast Guard merchant mariner credential; and

“(ii) demonstrated exemplary leadership in the education of individuals in the Armed Forces or United States merchant marine; or

“(C) if a qualified individual described in subparagraph (A) or (B) does not apply for the position, an individual who has—

“(i) attained the grade of captain or above in the Navy, Coast Guard, or National Oceanic and Atmospheric Administration or colonel or above in the Army, Air Force, or Marine Corps; and

“(ii) served at sea in any grade.

“(3) RULE OF CONSTRUCTION.—Notwithstanding paragraph (2), the Secretary of Transportation may appoint an individual who is the best qualified candidate, even if such individual does not fully meet the criteria described in paragraph (2).”.

(b) SAVINGS CLAUSE.—Nothing in this section may be construed to require any change to the current leadership of the United States Merchant Marine Academy.

**SEC. 3507. USE OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING PROCEEDS.**

(a) FUNDING ALLOCATION.—Section 308704 of title 54, United States Code, is amended—

(1) in subsection (a)(1), by amending subparagraph (C) to read as follows:

“(C) The remainder shall be available to the Secretary to carry out the Program, as provided in subsection (b).”; and

(2) in subsection (b), by amending paragraph (1) to read as follows:

“(1) ALLOCATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), of the amounts available each fiscal year for the Program under subsection (a)(1)(C)—

“(i) 50 percent shall be used for grants under section 308703(b); and

“(ii) 50 percent shall be used for grants under section 308703(c).

“(B) SET ASIDE.—

“(i) IN GENERAL.—Not less than 25 percent of the amounts available each fiscal year for the Program under subsection (a)(1)(C) shall be used for the preservation and presentation to

the public of the maritime heritage property of the Maritime Administration.

“(ii) DIRECT TRANSFERS.—The Secretary may provide amounts used for the preservation and presentation to the public of the maritime heritage property of the Maritime Administration through direct transfers to the Maritime Administration.

“(iii) WAIVER.—The Maritime Administrator may waive the application of clause (i) for any fiscal year.”.

(b) CONFORMING AMENDMENT.—Section 308703(c)(1) of title 54, United States Code, is amended by striking “under section 308704(b)(1)(B)” and inserting “under section 308704(b)(1)(A)”.’.

(c) REPORTING REQUIREMENT.—Section 308703(j) of title 54, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “Congress” and inserting “the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives”; and

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) the total number of grant applications submitted and approved under the Program in the period covered by the report;”; and

(4) in paragraph (2), as redesignated, by inserting “detailed” before “description”.

(d) ANNUAL REPORT BY THE MARITIME ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1 of each year, the Maritime Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the Ship Disposal program of the Maritime Administration.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the total amount of funds, attributable to the Ship Disposal program of the Maritime Administration, credited in the most recently completed fiscal year to—

(i) the Vessel Operations Revolving Fund established by section 50301(a) of title 46, United States Code; and

(ii) any other account;

(B) the balance of funds available at the end of that fiscal year in—

(i) the Vessel Operations Revolving Fund; and

(ii) any other account for which a credited amount was included under subparagraph (A)(i);

(C) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Fund in that fiscal year; and

(D) a summary of each maritime heritage project selected by the Maritime Administrator, for preservation and presentation to the public of the Maritime Administration’s maritime heritage property, for which funds from the Vessel Operations Revolving Fund were expended in that fiscal year.

(e) ASSESSMENTS BY THE MARITIME ADMINISTRATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Maritime Administrator shall complete an assessment of the Ship Disposal program of the Maritime Administration.

(2) CONTENTS.—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement or a memorandum of agreement with another Federal agency relating to the disposal of the vessel, for which the Maritime Administration is acting as the disposal agency, including—

(i) the age of the vessel; and  
(ii) the name of the Federal agency that has or had custody over the vessel prior to any disposal agreement or memorandum of agreement with the Maritime Administration;

(B) an inventory of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agency, including—

(i) the age of the vessel;  
(ii) the name of the applicable Federal agency; and

(iii) whether the vessel is expected to be declared obsolete and dismantled in the next 5 years;

(C) a plan to serve as the disposal agency, as appropriate, for the vessels described in subparagraph (B);

(D) a plan for the timely distribution of the proceeds that the Maritime Administration currently has in ship disposal accounts;

(E) a projection of future distributions of such proceeds; and

(F) any other assessment related to the Ship Disposal program that the Maritime Administrator determines appropriate.

(3) **INCLUSION IN THE ANNUAL REPORT.**—A detailed description of the results of each assessment under paragraph (1) shall be included in the annual report under subsection (d) for the year in which the assessment was completed.

(f) **CESSATION OF EFFECTIVENESS.**—Subsections (d) and (e) of this section shall cease to be effective on the date that is 5 years and 1 day after the date of the enactment of this Act.

#### SEC. 3508. FLOATING DRY DOCKS.

Section 55122 of title 46, United States Code, is amended—

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

(2) by inserting after subsection (a) the following:

“(b) **DRY DOCKS FOR CONSTRUCTION OF CERTAIN NAVAL VESSELS.**—

“(1) **IN GENERAL.**—In applying subsection (a) to a floating dry dock used for the construction of naval vessels in a shipyard located in the United States, the ownership and operation requirement in paragraph (1)(B) of that subsection shall be treated as satisfied and ‘December 19, 2017’ shall be substituted for the date referred to in paragraph (1)(C) of that subsection if the Secretary of the Navy determines that—

“(A) such dry dock is necessary for the timely completion of such construction; and

“(B) such dry dock—

“(i) is owned and operated by—

“(I) a shipyard located in the United States that is an eligible owner specified under section 12103(b); or

“(II) an affiliate of such a shipyard; or

“(ii) is—

“(I) owned by the State in which the shipyard is located or a political subdivision of that State; and

“(II) operated by a shipyard located in the United States that is an eligible owner specified under section 12103(b).

“(2) **NOTICE TO CONGRESS.**—Not later than 30 days after making a determination under paragraph (1), the Secretary of the Navy shall notify the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate of such determination.”

#### SEC. 3509. TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR INDIVIDUALS UNDERGOING SEPARATION, DISCHARGE, OR RELEASE FROM THE ARMED FORCES.

(a) **IN GENERAL.**—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(2), by striking “and” after the semicolon at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (H), and by inserting after subparagraph (F) the following:

“(G) a member of the Armed Forces who—

“(i) is undergoing separation, discharge, or release from the Armed Forces under honorable conditions;

“(ii) applies for a transportation security card; and

“(iii) is otherwise eligible for such a card; and”;

(2) by amending subsection (j) to read as follows:

“(j) **PRIORITY PROCESSING FOR SEPARATING SERVICE MEMBERS.**—(1) The Secretary and the Secretary of Defense shall enter into a memorandum of understanding regarding the submission and processing of applications for transportation security cards under subsection (b)(2)(G).

“(2) Not later than 30 days after the submission of such an application by an individual who is eligible to submit such an application, the Secretary shall process and approve or deny the application unless an appeal or waiver applies or further application documentation is necessary.”

(b) **DEADLINE FOR MEMORANDUM.**—The Secretary of the department in which the Coast Guard is operating and the Secretary of Defense shall enter into the memorandum of understanding required by the amendment made by subsection (a)(2) by not later than 180 days after the date of the enactment of this Act.

(c) **APPLICATION OF PROCESSING DEADLINE.**—Section 70105(j)(2) of title 46, United States Code, as amended by this section, shall apply to applications for transportation security cards submitted after the expiration of the 180-day period beginning on the date of the enactment of this Act.

(d) **REPORTS.**—

(1) **INITIAL REPORT.**—

(A) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit a report described in subparagraph (B) to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) **CONTENTS.**—The report under subparagraph (A) shall include the following:

(i) The memorandum of understanding required by section 70105(j)(1) of title 46, United States Code, as amended by this section.

(ii) The number of individuals eligible to apply for a transportation security card under section 70105(b)(2)(G) of title 46, United States Code, as amended by this section, the number of such individuals who applied for such a card, and the number of such individuals who have been issued such a card, as of the date of the report.

(iii) If the Secretary failed to process and approve or deny any applications received from individuals eligible to apply for such a card under such section before the deadline specified in section 70105(j)(2) of such title, as amended by this section, a description of the reasons for the failure and of the actions being taken to assure that future applications are processed and issued or denied within such deadline.

(2) **SUBSEQUENT REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit a report to such Committees containing the information described in clauses (ii) and (iii) of paragraph (1)(B).

#### SEC. 3510. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) **POLICY.**—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

#### “§51318. Policy on sexual harassment and sexual assault

“(a) **REQUIRED POLICY.**—

“(1) **IN GENERAL.**—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

“(2) **MATTERS TO BE SPECIFIED IN POLICY.**—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

“(A) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

“(B) procedures that a cadet or other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual assault, including—

“(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by the victim and the options for confidential reporting;

“(ii) specifying any other person whom the victim should contact; and

“(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

“(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

“(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible;

“(E) procedures through which—

“(i) questions regarding sexual harassment or sexual assault can be confidentially asked and confidentially answered;

“(ii) victims can report incidents of sexual assault confidentially; and

“(iii) the privacy of victims of sexual harassment and sexual assault will be protected; and

“(F) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

“(3) **AVAILABILITY OF POLICY.**—The Secretary shall ensure that the policy developed under this subsection is available to—

“(A) all cadets and employees of the Academy; and

“(B) the public.

“(4) **CONSULTATION AND ASSISTANCE.**—In developing the policy under this subsection, the Secretary may consult with or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

“(b) **DEVELOPMENT PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall ensure that the development program of the Academy includes a section that—

“(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy;

“(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

“(C) includes information relating to reporting sexual harassment and sexual assault, victims’ rights, and dismissal for offenders.

“(2) **MINIMUM TRAINING REQUIREMENTS.**—The Superintendent shall ensure that all cadets receive training on the sexual harassment and sexual assault prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial arrival at the Academy.

“(B) Additional training sessions, which shall occur biannually following the cadet’s initial training session until the cadet graduates or leaves the Academy.

“(C) ANNUAL ASSESSMENT.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Superintendent, shall conduct an assessment at the Academy, during each Academy program year, to determine the effectiveness of the policies, procedures, and training program of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

“(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have been reported to officials of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual assault events involving cadets or other Academy personnel, on or off the Academy campus, that have not been reported to officials of the Academy; and

“(B) to assess the perceptions of cadets and other Academy personnel on—

“(i) the policies, procedures, and training programs of the Academy on sexual harassment and sexual assault involving cadets or other Academy personnel;

“(ii) the enforcement of the policies described in clause (i);

“(iii) the incidence of sexual harassment and sexual assault involving cadets or other Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual assault involving cadets or other Academy personnel.

“(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—For each Academy program year, the Superintendent shall submit to the Secretary a report that provides information about sexual harassment and sexual assault involving cadets or other Academy personnel.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

“(A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;

“(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

“(C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to incidents of sexual harassment and sexual assault involving cadets and other Academy personnel; and

“(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, incidents of sexual harassment and sexual assault involving cadets and other Academy personnel.

“(3) SURVEY AND FOCUS GROUP RESULTS.—

“(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

“(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary is not required to conduct the survey described in subsection (c)(2)

shall include the results of the focus group conducted in that program year under subsection (c)(3).

“(4) REPORTING REQUIREMENT.—

“(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent, the Superintendent shall provide to the Secretary and the Board of Visitors of the Academy a report that includes—

“(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

“(ii) the Academy’s response to the incident.

“(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary’s comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“51318. Policy on sexual harassment and sexual assault.”.

**SEC. 3511. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.**

(a) COORDINATORS AND ADVOCATES.—Chapter 513 of title 46, United States Code, as amended by this Act, is further amended by adding at the end the following:

**“§51319. Sexual assault response coordinators and sexual assault victim advocates**

“(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

“(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

“(1) IN GENERAL.—The Secretary, acting through the Superintendent of the Academy, shall designate from among volunteers 1 or more permanent employees of the Academy to serve as advocates for victims of sexual assaults involving cadets of the Academy or other Academy personnel.

“(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

“(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318; and

“(B) serve as a victim advocate voluntarily, in addition to the individual’s other duties as an employee of the Academy.

“(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

“(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

“(B) identify additional resources to ensure the safety of victims of sexual assault; and

“(C) connect victims of sexual assault to companions, as described in paragraph (4).

“(4) COMPANIONS.—

“(A) IN GENERAL.—At least 1 victim advocate designated under this subsection, or a sexual assault response coordinator designated under subsection (a), while performing the duties of a victim advocate, shall act as a companion to a victim described in paragraph (1) in navigating investigative, medical, mental, and emotional health, and recovery processes relating to sexual assault.

“(B) ALTERNATE VICTIM ADVOCATES.—If requested by the victim, an alternate victim advocate shall be designated under this subsection to act as a companion to the victim, as described in subparagraph (A).

“(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault described in paragraph (1) can receive victim support services.

“(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by this Act, is further amended by adding at the end the following:

“51319. Sexual assault response coordinators and sexual assault victim advocates.”.

**SEC. 3512. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.**

(a) IN GENERAL.—Not later than March 31, 2018, the Inspector General of the Department of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) CONTENTS.—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

(2) include any recommendations to reduce the number of sexual assaults involving members of the Academy, whether a member is the victim, the alleged assailant, or both; and

(3) include any recommendations to improve the response of the Department and the Academy to reports of sexual assaults involving members of the Academy, whether a member is the victim, a member is the alleged assailant, or both.

(c) EXPERTISE.—In compiling the report required under this section, the Inspector General shall—

(1) include on the inspection teams acting under the direction of the Inspector General at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

(2) consult with subject matter experts in the prevention of and response to sexual assaults.

**SEC. 3513. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.**

(a) IN GENERAL.—Not later than 21 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment, sexual assault, or other inappropriate conduct, as well as methods to improve the shipboard climate, that occurs during a cadet’s Sea Year experience with the United States Merchant Marine Academy.

(b) MEMBERSHIP.—The working group shall be composed of members designated by the Maritime Administrator as follows:

(1) A representative of the Maritime Administration, who shall serve as the chair of the working group.

(2) The Superintendent of the Academy (or the Superintendent’s designee).

(3) A sexual assault response coordinator appointed under section 51319 of title 46, United States Code, as added by this Act.

(4) A subject matter expert from the Coast Guard.

(5) A subject matter expert from the Military Sealift Command.

(6) A subject matter expert from the National Oceanic and Atmospheric Administration.

(7) At least 1 representative from each State maritime academy.

(8) At least 1 representative from each private contracting party participating in the maritime security program.

(9) At least 1 representative from each non-profit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet.

(10) At least 2 representatives from approved maritime training institutions.

(11) At least 1 representative from companies that—

(A) participate in sea training of Academy cadets; and

(B) do not participate in the maritime security program.

(12) Such additional individuals as the Maritime Administrator may designate.

(c) NO QUORUM REQUIREMENT.—The chair may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment, sexual assault, or other inappropriate conduct and those who commit it, with operators of vessels of the United States;

(2) raise awareness of sexual harassment, sexual assault, or other inappropriate conduct with operators of vessels of the United States;

(3) assess options that could be implemented by the operators of vessels of the United States that would remove any barriers to the reporting of sexual harassment, sexual assault, or other inappropriate conduct that occurs during a cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy to improve the prevention of, and response to, incidents of sexual harassment, sexual assault, or other inappropriate conduct;

(5) assess a potential program or policy requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment, sexual assault, or other inappropriate conduct;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent such potential incidents; and

(iii) that encourages victims to report any incident of sexual harassment, sexual assault, or other inappropriate conduct; and

(B) promoting an understanding of the needs of, and the resources available to, a victim after an incident of sexual harassment, sexual assault, or other inappropriate conduct;

(6) assess all other feasible changes to Sea Year training at the Academy, and corresponding changes to curricula, to improve prevention of and response to incidents of sexual harassment, sexual assault, and other inappropriate conduct; and

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment, sexual assault, or other inappropriate conduct in order to protect the victim and prevent retribution.

(e) REPORT.—Not later than 9 months after the date of the enactment of this Act, the working group shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) recommendations on each of the working group's responsibilities described in subsection (d);

(2) a description of the trade-offs, opportunities, and challenges associated with the recommendations described in paragraph (1);

(3) a description of administrative actions taken as result of the recommendations described in paragraph (1); and

(4) any other information the working group determines appropriate.

#### SEC. 3514. SEA YEAR COMPLIANCE.

Not later than 90 days after the date of the enactment of this Act, the Maritime Adminis-

trator, in consultation with operators of commercial vessels of the United States, shall establish—

(1) criteria that vessel operators must meet in order to participate in the Sea Year program of the United States Merchant Marine Academy that addresses sexual harassment, sexual assault, and other inappropriate conduct; and

(2) a process for verifying compliance with the criteria.

#### SEC. 3515. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

Section 51506 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “must” and inserting “shall”;

(B) in paragraph (2), by striking “and” at the end;

(C) in paragraph (3), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

“(A) shall, not later than 9 months after such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

“(i) required for the issuance of an original license under section 7101; or

“(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to the individual's operational authority;

“(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements described in subparagraph (A) throughout the remainder of the individual's enrollment at the State maritime academy; and

“(C) if the individual has a medical or physical condition that disqualifies the individual from meeting the requirements referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements.”; and

(2) by adding at the end the following:

“(c) SECRETARIAL WAIVER AUTHORITY.—The Secretary may modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.”.

#### SEC. 3516. APPOINTMENTS.

(a) IN GENERAL.—Section 51303 of title 46, United States Code, is amended by striking “40” and inserting “50”.

(b) CLASS PROFILES.—

(1) IN GENERAL.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy's public website a profile of each class at the Academy.

(2) CONTENTS.—Each profile posted under paragraph (1) shall include, for the incoming class of the Academy and for the 4 classes that preceded that class at the Academy, the number and percentage of students by—

(A) State;

(B) country;

(C) gender;

(D) race and ethnicity; and

(E) prior military service.

#### SEC. 3517. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Maritime Administrator, in consultation with the Coast Guard Merchant Marine Personnel Advisory Committee and the Committee on the Marine Transportation System, shall convene a working group to examine and assess the size of the pool of United States citizen mariners nec-

essary to support the United States flag fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, at least 1 representative from each of—

(1) the Maritime Administration, who shall serve as chairperson of the working group;

(2) the United States Merchant Marine Academy;

(3) the Coast Guard;

(4) the Military Sealift Command;

(5) the Navy;

(6) the State maritime academies;

(7) a nonprofit labor organization representing a class of licensed employees who are employed on vessels operating in the United States flag fleet;

(8) a nonprofit labor organization representing a class of unlicensed employees who are employed on vessels operating in the United States flag fleet;

(9) the pool of owners of vessels operating in the United States flag fleet, or their private contracting parties, that are primarily operating in coastwise trades; and

(10) the pool of owners of vessels operating in the United States flag fleet, or their private contracting parties, that are primarily operating in international transportation.

(c) NO QUORUM REQUIREMENT.—The Maritime Administrator may convene the working group virtually and without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) identify the number of United States citizen mariners—

(A) in total;

(B) that have a valid Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels that are subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States merchant marine and the United States flag fleet;

(D) that are available to crew the United States flag fleet and the surge sealift fleet in times of a national emergency;

(E) that are full-time mariners;

(F) that have sailed in the prior 18 months;

(G) that are primarily operating in noncontiguous or coastwise trades; and

(H) that are merchant mariner credentialed officers in the United States Navy Reserve;

(2) assess the impact on the United States merchant marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States merchant marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, the Navy, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (H) of subsection (d)(1);

(2) the results of the assessments conducted under paragraphs (2) and (3) of subsection (d); and

(3) the recommendations made under subsection (d)(4).

(f) **INCLUSION OF MERCHANT MARINE-CREDENTIALLED OFFICERS IN THE NAVY RESERVE.**—For the purposes of this section, the term “United States citizen mariners” includes, but is not limited to, officers in the United States Navy Reserve who are holders of merchant mariner credentials, as determined by the Secretary of the Navy.

(g) **SUNSET.**—The Maritime Administrator may disband the working group upon submission of the report under subsection (e).

**SEC. 3518. MARITIME EXTREME WEATHER TASK FORCE.**

(a) **ESTABLISHMENT OF TASK FORCE.**—Not later than 15 days after the date of the enactment of this Act, the Secretary of Transportation shall establish a task force to analyze the impact of extreme weather events, such as in the maritime environment (referred to in this section as the “Task Force”).

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary or the Secretary’s designee; and

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration; and

(C) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) **REPORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

(2) **CONTENTS.**—The report under paragraph (1) shall include—

(A) an identification of available weather prediction, monitoring, and routing technology resources;

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) **PUBLICATION.**—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) **IMMINENT THREATS.**—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

**SEC. 3519. WORKFORCE PLANS AND ONBOARDING POLICIES.**

(a) **WORKFORCE PLANS.**—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration’s workforce plans,

including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission-critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

(b) **ONBOARDING POLICIES.**—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration’s policies related to new hire orientation, training, and misconduct;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration’s training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration’s compliance with the requirements under this section.

**SEC. 3520. DRUG AND ALCOHOL POLICY.**

(a) **REVIEW.**—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration’s drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation’s drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

(3) institute a system for tracking all drug and alcohol policy training conducted under paragraph (2) in a standardized training repository.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration’s compliance with the requirements under this section.

**SEC. 3521. VESSEL TRANSFERS.**

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

**SEC. 3522. CLARIFYING AMENDMENT; CONTINUATION BOARDS.**

Section 290(a) of title 14, United States Code, is amended by striking “five officers serving in the grade of vice admiral” and inserting “5 officers (other than the Commandant) serving in the grade of admiral or vice admiral”.

**SEC. 3523. POLAR ICEBREAKER RECAPITALIZATION PLAN.**

(a) **REQUIREMENT.**—Not later than 120 days after the date of the enactment of this Act, the

Secretary, in consultation with the Secretary of the Navy, shall submit to the appropriate committees of Congress a detailed recapitalization plan to address the 2013 Department of Homeland Security Mission Need Statement with respect to icebreaking.

(b) **CONTENTS.**—The plan required under subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and departments of the United States, as the Secretary determines appropriate;

(3) list the specific appropriations required for the acquisition of each icebreaker, for each fiscal year, until the full fleet is recapitalized;

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps that may arise due to any further delay in procurement schedules.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) **SECRETARY.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

**SEC. 3524. GAO REPORT ON ICEBREAKING CAPABILITY IN UNITED STATES.**

(a) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal icebreaking fleet.

(b) **CONTENTS.**—The report required under subsection (a) shall include—

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, and other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capacity to exercise missions during any identified gap in United States icebreaking capacity; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard icebreaking fleet and recommendations to overcome such barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

(c) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**Subtitle B—Pribilof Islands Transition Completion**

**SEC. 3531. SHORT TITLE.**

This subtitle may be cited as the “Pribilof Islands Transition Completion Amendments Act of 2016”.

**SEC. 3532. CONVEYANCE OF PROPERTY.**

(a) CONVEYANCE.—Subsection (a) of section 522 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114–120, as amended by this Act) is amended to read as follows:

“(a) CONVEYANCE.—In partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and not later than 30 days after the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary of Commerce shall, notwithstanding section 105(a) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562), convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to the following property, including improvements on such property:

“(1) Lots 4, 5, and 6A, Block 18, Tract A, U.S. Survey 4943, Alaska, the plat of which was Officially Filed on January 20, 2004, aggregating 13,006 square feet (0.30 acres).

“(2) T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 39, the plat of which was Officially Filed on May 14, 1986, containing 0.90 acres.”.

(b) CONFORMING AMENDMENTS; EASEMENT.—Section 522 of such Act, as amended by subsection (a), is further amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) by adding at the end the following:

“(c) EASEMENT.—As part of the conveyance under subsection (a), the Secretary of Commerce, in cooperation with the Alaska Native Village Corporation for St. Paul Island, shall provide an easement to the Secretary of Transportation to maintain a non-directional beacon on the property described in subsection (a)(2).”.

**SEC. 3533. TRANSFER, USE, AND DISPOSAL OF TRACT 43.**

(a) IN GENERAL.—Section 524 of the Pribilof Island Transition Completion Act of 2016 (Public Law 114–120, as amended by this Act) is amended to read as follows:

**“SEC. 524. TRANSFER, USE, AND DISPOSAL OF TRACT 43.**

“(a) TRANSFER.—Not later than 30 days after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary of Commerce shall—

“(1) terminate the license; and

“(2) transfer tract 43 to the Secretary of the department in which the Coast Guard is operating.

“(b) DETERMINATION, TRANSFER, AND CONVEYANCE.—

“(1) IN GENERAL.—Not later than the end of the 90-day period beginning on the date of the transfer required under subsection (a)(2), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a determination of—

“(A) lands and improvements in tract 43 that are not necessary to carry out Coast Guard communications and search and rescue activities; and

“(B) the smallest practicable tract enclosing lands and improvements in tract 43 that are necessary to carry out such communications and activities.

“(2) SURVEYS, MAPS, DESCRIPTIONS, AND PLAN.—

“(A) LANDS AND IMPROVEMENTS NOT NECESSARY TO COAST GUARD ACTIVITIES.—The determination under paragraph (1)(A) shall include a metes-and-bounds survey, map, and legal description of the lands and improvements to

which the determination applies. Such survey, map, and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the survey, map, and legal description.

“(B) LANDS AND IMPROVEMENTS NECESSARY TO COAST GUARD ACTIVITIES.—The determination under paragraph (1)(B) shall include with respect to the lands and improvements to which the determination applies—

“(i) a metes-and-bounds survey, map, and legal description of such lands and improvements, which shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the survey, map, and legal description;

“(ii) a description of Coast Guard actual use and occupancy of such lands and improvements intended to occur within 3 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016; and

“(iii) a plan to maintain existing facilities in useable condition, or demolish or replace those facilities, including a cost estimate for carrying out such plan.

“(3) CONVEYANCE.—In partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and not later than 60 days after the submission of the determination under paragraph (1)(A), the Secretary shall convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to the land and improvements depicted on the metes-and-bounds survey, map, and legal description of the lands and improvements to which the determination under paragraph (1)(A) applies.

“(4) FAILURE TO PROVIDE DETERMINATION.—If a determination under paragraph (1) is not provided within the period specified in that paragraph, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall, by not later than 30 days after the end of that period, convey all right, title, and interest of the United States in and to tract 43 to the Alaska Native Village Corporation for St. Paul Island.

“(5) FAILURE TO IMPLEMENT USE AND OCCUPANCY.—If the use and occupancy described in paragraph (2)(B)(ii) have not been fully implemented within 5 years after the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall convey to the Alaska Native Village Corporation for St. Paul Island all right, title, and interest of the United States in and to such portions of the lands and improvements to which the determination under paragraph (1)(B) applies and for which such implementation has not occurred.

“(c) FURTHER DETERMINATION AND CONVEYANCE.—

“(1) IN GENERAL.—Not later than 5 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, and not less than once every 5 years thereafter, the Secretary shall—

“(A) review the determination made under subsection (b)(1)(B); and

“(B) determine if the lands and improvements to which the determination applies are in excess of the smallest practicable tract enclosing the lands and improvements needed to carry out Coast Guard missions.

“(2) REPORT OF DETERMINATION.—When a determination is made under paragraph (1), the Secretary shall report the determination to—

“(A) the Committee on Transportation and Infrastructure of the House of Representatives;

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Alaska Native Village Corporation for St. Paul Island.

“(3) ELECTION TO RECEIVE.—Not later than 60 days after the date it receives a determination

under paragraph (1), the Alaska Native Village Corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements or a portion of any lands and improvements determined to be in excess of those needed to carry out Coast Guard missions in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(4) CONVEYANCE.—If such Alaska Native Village Corporation provides notice under paragraph (3) that the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements or a portion of any lands and improvements, in partial settlement of land claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) the Secretary shall convey all right, title, and interest of the United States in and to the lands and improvements or portion thereof to such Alaska Native Village Corporation.

“(5) OTHER DISPOSAL.—If such Alaska Native Village Corporation does not provide notice under paragraph (3) that the Alaska Native Village Corporation elects to receive all right, title, and interest of the United States in and to any lands and improvements, the Secretary may dispose of the lands and improvements in accordance with other applicable law.

“(d) CERCLA NOT AFFECTED.—No transfer or conveyance of property under this section shall be construed to affect or limit the application of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

“(e) REPORTS.—

“(1) REMEDIATION OF CONTAMINATED SOIL.—Not later than 2 years after the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016 and not less than once every 2 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

“(A) efforts taken to remediate contaminated soils on tract 43 and tract 39; and

“(B) a schedule for the completion of remediation of contaminated soils on tract 43 and tract 39.

“(2) NUMBER OF COAST GUARD PERSONNEL WHO CARRIED OUT COAST GUARD MISSIONS.—On the 15th day of each month, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a notice detailing the number of Coast Guard personnel who carried out Coast Guard missions on tract 43 during the previous month and what Coast Guard missions were carried out by such personnel.

“(f) REDUNDANT CAPABILITY.—

“(1) RULE OF CONSTRUCTION.—Except as provided in paragraph (2), section 681 of title 14, United States Code, shall not be construed to prohibit any conveyance of lands or improvements under this subtitle or any actions that involve the dismantling or disposal of infrastructure that supported the former LORAN system that are associated with the conveyance of lands or improvements under this subtitle.

“(2) REDUNDANT CAPABILITY.—If, within the 5-year period beginning on the date of the enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, the Secretary determines that communication equipment, including towers, antennae, and transmitters, on property conveyed in accordance with this subtitle is subsequently required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted, the Secretary may—

“(A) operate, maintain, keep, locate, inspect, repair, and replace such equipment; and

“(B) in carrying out the activities described in subparagraph (A), enter, at any time, a facility without notice, to the extent that it is not possible to provide advance notice, for as long as such equipment is needed to provide such capability.

“(g) FEDERAL USE.—In addition to entry under subsection (f)(2)(B), the Secretary may enter property conveyed in accordance with this subtitle for purposes of environmental compliance and remediation after providing advance notice to the property owner to the extent that it is possible to provide such notice.

“(h) HIGH FREQUENCY COMMUNICATIONS.—

“(1) RESTRICTION.—Except as provided in paragraph (2), on property contained within the boundaries of tract 43 as in effect on the date of enactment of the Pribilof Islands Transition Completion Amendments Act of 2016, no person may operate or maintain—

“(A) radio frequency transmitting equipment that produces a signal that exceeds 5 microvolts per meter field intensity, other than such equipment that was in use on the site before the date of the enactment of such Act; or

“(B) electric welding equipment, electric generating equipment, a diathermy machine, electric motors of any kind having greater than 5 horsepower, or any other machinery, engine, or equipment that causes any electromagnetic interference.

“(2) EXCEPTION.—A person may engage in operations or maintenance otherwise prohibited by paragraph (1) with the concurrence of the Secretary.

“(i) DEFINITIONS.—For purposes of this section:

“(1) LICENSE.—The term ‘license’ means the agreement dated January 9, 2006, entitled ‘License Agreement Between The Department of Homeland Security, United States Coast Guard, and The Department of Commerce, National Oceanic and Atmospheric Administration’.

“(2) TRACT 39.—The term ‘tract 39’ means T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 39, the plat of which was Officially Filed on May 14, 1986, containing 0.90 acres.

“(3) TRACT 43.—The term ‘tract 43’ means T. 35 S., R. 131 W., Seward Meridian, Alaska, Tract 43, the plat of which was Officially Filed on May 14, 1986, containing 84.88 acres, and any improvements on such tract.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.”.

(b) CHARGEABILITY FOR LANDS CONVEYED.—The Secretary of the Interior shall charge against the remaining entitlement of the Alaska Native Village Corporation for St. Paul Island under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) any conveyance of land to such corporation under this subtitle, including the amendments made by this subtitle.

(c) CLERICAL AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 2016 (Public Law 114–120, as amended by this Act) is amended by striking the item relating to section 524 and inserting the following:

“Sec. 524. Transfer, use, and disposal of tract 43.”.

(d) CONFORMING AMENDMENTS.—Section 105 of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended—

(1) in subsection (e)(1), by striking “or section 522 of the Pribilof Island Transition Completion Act of 2015” and inserting “or section 522 of the Pribilof Island Transition Completion Act of 2016, or transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of such Act,”; and

(2) in subsection (f)(1), by striking “and not transferred” and inserting “and not transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of

the Pribilof Island Transition Completion Act of 2016 or”.

(e) SAVINGS CLAUSE.—The Memorandum of Understanding among the Tanadgusix Corporation, St. Paul Island, Alaska, the Tanaq Corporation, St. George Island, Alaska, and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, dated December 22, 1976, regarding Pribilof Islands Land Selections and the establishment and operation of a Joint Management Board, shall remain in effect with respect to land selections and conveyances until all obligations for conveyances under that agreement have been met, and the obligation to maintain a Joint Management Board remains in effect.

#### **Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration**

##### **SEC. 3541. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) REQUIRED POLICY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) a procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be confidentially reported; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.—The Secretary shall designate out of existing staff at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment at each marine and aviation center of the Administration.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) The number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region-specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

##### **SEC. 3542. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) COMPREHENSIVE POLICY ON PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) a procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) VICTIM ADVOCACY.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) VICTIM ADVOCATES.—For purposes of this subsection, a victim advocate is an existing permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) **PRIMARY DUTIES.**—The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) **LOCATION.**—The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) **HOTLINE.**—

(A) **IN GENERAL.**—In carrying out this subsection, the Secretary shall provide a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) **24-HOUR ACCESS.**—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(C) **PARTNERSHIP.**—The Secretary shall, where possible, use established hotlines for purposes of this paragraph.

(6) **FORMAL RELATIONSHIPS WITH OTHER ENTITIES.**—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) **AVAILABILITY OF POLICY.**—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) **CONSULTATION AND ASSISTANCE.**—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

**SEC. 3543. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

A victim of a sexual assault covered by the comprehensive policy developed under section 3542(a) has the right to be reasonably protected from the accused.

**SEC. 3544. CHANGE OF STATION.**

(a) **CHANGE OF STATION, UNIT TRANSFER, OR CHANGE OF WORK LOCATION OF VICTIMS.**—

(1) **TIMELY CONSIDERATION AND ACTION UPON REQUEST.**—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) **PROCEDURES.**—

(A) **PERIOD FOR APPROVAL AND DISAPPROVAL.**—The Secretary, acting through the

Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) **REVIEW.**—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary to review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) **CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) **POLICY REQUIREMENTS.**—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall promulgate regulations to carry out this section.

(2) **CONSISTENCY.**—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

**SEC. 3545. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.**

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 3541(a) and the comprehensive policy developed under section 3542(a).

**SEC. 3546. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) **IN GENERAL.**—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) **CONTENTS.**—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 3541(f).

(c) **PRIVACY PROTECTION.**—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

**SEC. 3547. SEXUAL ASSAULT DEFINED.**

In this subtitle, the term “sexual assault” shall have the meaning given such term in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

**DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

**TITLE XLI—PROCUREMENT**

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

Sec. 4103. Procurement for overseas contingency operations for base requirements.

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

Sec. 4203. Research, development, test, and evaluation for overseas contingency operations for base requirements.

**TITLE XLIII—OPERATION AND MAINTENANCE**

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

Sec. 4303. Operation and maintenance for overseas contingency operations for base requirements.

**TITLE XLIV—MILITARY PERSONNEL**

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

Sec. 4403. Military personnel for overseas contingency operations for base requirements.

**TITLE XLV—OTHER AUTHORIZATIONS**

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

Sec. 4503. Other authorizations for overseas contingency operations for base requirements.

**TITLE XLVI—MILITARY CONSTRUCTION**

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

Sec. 4603. Military construction for overseas contingency operations for base requirements.

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

Sec. 4701. Department of Energy national security programs.

**SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the

funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings

under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **APPLICABILITY TO CLASSIFIED ANNEX.**— This section applies to any classified annex that accompanies this Act.

(e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT**  
**SEC. 4101. PROCUREMENT.**

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

Line	Item	FY 2017 Request	Conference Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
001	UTILITY F/W AIRCRAFT .....	57,529	57,529
003	MQ-1 UAV .....	55,388	55,388
<b>ROTARY</b>			
006	AH-64 APACHE BLOCK IIIA REMAN .....	803,084	803,084
007	ADVANCE PROCUREMENT (CY) .....	185,160	185,160
008	UH-60 BLACKHAWK M MODEL (MYP) .....	755,146	755,146
009	ADVANCE PROCUREMENT (CY) .....	174,107	174,107
010	UH-60 BLACK HAWK A AND L MODELS .....	46,173	46,173
011	CH-47 HELICOPTER .....	556,257	556,257
012	ADVANCE PROCUREMENT (CY) .....	8,707	8,707
<b>MODIFICATION OF AIRCRAFT</b>			
013	MQ-1 PAYLOAD (MIP) .....	43,735	43,735
015	MULTI SENSOR ABN RECON (MIP) .....	94,527	94,527
016	AH-64 MODS .....	137,883	137,883
017	CH-47 CARGO HELICOPTER MODS (MYP) .....	102,943	102,943
018	GRCS SEMA MODS (MIP) .....	4,055	4,055
019	ARL SEMA MODS (MIP) .....	6,793	6,793
020	EMARSS SEMA MODS (MIP) .....	13,197	13,197
021	UTILITY/CARGO AIRPLANE MODS .....	17,526	17,526
022	UTILITY HELICOPTER MODS .....	10,807	10,807
023	NETWORK AND MISSION PLAN .....	74,752	74,752
024	COMMS, NAV SURVEILLANCE .....	69,960	69,960
025	GATM ROLLUP .....	45,302	45,302
026	RQ-7 UAV MODS .....	71,169	71,169
027	UAS MODS .....	21,804	21,804
<b>GROUND SUPPORT AVIONICS</b>			
028	AIRCRAFT SURVIVABILITY EQUIPMENT .....	67,377	67,377
029	SURVIVABILITY CM .....	9,565	9,565
030	CMWS .....	41,626	41,626
<b>OTHER SUPPORT</b>			
032	AVIONICS SUPPORT EQUIPMENT .....	7,007	7,007
033	COMMON GROUND EQUIPMENT .....	48,234	48,234
034	AIRCREW INTEGRATED SYSTEMS .....	30,297	30,297
035	AIR TRAFFIC CONTROL .....	50,405	50,405
036	INDUSTRIAL FACILITIES .....	1,217	1,217
037	LAUNCHER, 2.75 ROCKET .....	3,055	3,055
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>3,614,787</b>	<b>3,614,787</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>			
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD) .....	126,470	126,470
002	MSE MISSILE .....	423,201	423,201
003	ADVANCE PROCUREMENT (CY) .....	19,319	19,319
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
004	HELLFIRE SYS SUMMARY .....	42,013	42,013
005	JOINT AIR-TO-GROUND MSLS (JAGM) .....	64,751	64,751
006	ADVANCE PROCUREMENT (CY) .....	37,100	37,100
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
007	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	73,508	72,904
	Engineering services cost growth .....		[-604]
008	TOW 2 SYSTEM SUMMARY .....	64,922	64,922
009	ADVANCE PROCUREMENT (CY) .....	19,949	10,716
	Advance procurement cost growth .....		[-9,233]
010	GUIDED MLRS ROCKET (GMLRS) .....	172,088	172,088
011	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	18,004	18,004
<b>MODIFICATIONS</b>			
013	PATRIOT MODS .....	197,107	197,107
014	ATACMS MODS .....	150,043	150,043
015	GMLRS MOD .....	395	395
017	AVENGER MODS .....	33,606	33,606
018	ITAS/TOW MODS .....	383	383
019	MLRS MODS .....	34,704	34,704
020	HIMARS MODIFICATIONS .....	1,847	1,847
<b>SPARES AND REPAIR PARTS</b>			
021	SPARES AND REPAIR PARTS .....	34,487	34,487
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
022	AIR DEFENSE TARGETS .....	4,915	4,915
024	PRODUCTION BASE SUPPORT .....	1,154	1,154
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>1,519,966</b>	<b>1,510,129</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>			
<b>TRACKED COMBAT VEHICLES</b>			

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
001	STRYKER VEHICLE	71,680	71,680
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
002	STRYKER (MOD)	74,348	74,348
003	STRYKER UPGRADE	444,561	433,561
	Early to need		[-11,000]
005	BRADLEY PROGRAM (MOD)	276,433	273,333
	Excess program management growth		[-3,100]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
009	ASSAULT BRIDGE (MOD)	3,465	3,465
010	ASSAULT BREACHER VEHICLE	2,928	2,928
011	M88 FOV MODS	8,685	8,685
012	JOINT ASSAULT BRIDGE	64,752	64,752
013	M1 ABRAMS TANK (MOD)	480,166	480,166
014	ABRAMS UPGRADE PROGRAM		100,000
	Realign APS Unit Set Requirements from OCO		[100,000]
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
016	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
017	MORTAR SYSTEMS	8,332	8,332
018	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
020	CARBINE	40,493	40,493
021	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
022	MK-19 GRENADE MACHINE GUN MODS	4,959	4,959
023	M777 MODS	11,913	11,913
024	M4 CARBINE MODS	29,752	29,752
025	M2 50 CAL MACHINE GUN MODS	48,582	48,582
026	M249 SAW MACHINE GUN MODS	1,179	1,179
027	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
028	SNIPER RIFLES MODIFICATIONS	971	971
029	M119 MODIFICATIONS	6,045	6,045
030	MORTAR MODIFICATION	12,118	12,118
031	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,157	3,157
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
032	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,331	2,331
035	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>2,351,077</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
001	CTG, 5.56MM, ALL TYPES	40,296	40,296
002	CTG, 7.62MM, ALL TYPES	39,237	39,237
003	CTG, HANDGUN, ALL TYPES	5,193	5,193
004	CTG, .50 CAL, ALL TYPES	46,693	46,693
005	CTG, 20MM, ALL TYPES	7,000	7,000
006	CTG, 25MM, ALL TYPES	7,753	6,453
	Program reduction		[-1,300]
007	CTG, 30MM, ALL TYPES	47,000	47,000
008	CTG, 40MM, ALL TYPES	118,178	111,824
	Early to need		[-6,354]
	<b>MORTAR AMMUNITION</b>		
009	60MM MORTAR, ALL TYPES	69,784	69,784
010	81MM MORTAR, ALL TYPES	36,125	36,125
011	120MM MORTAR, ALL TYPES	69,133	69,133
	<b>TANK AMMUNITION</b>		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[-2,800]
	<b>ARTILLERY AMMUNITION</b>		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	61,300
	75mm blanks early to need		[-3,500]
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
015	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	<b>ROCKETS</b>		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
020	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	<b>OTHER AMMUNITION</b>		
021	CAD/PAD, ALL TYPES	4,914	4,914
022	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
023	GRENADES, ALL TYPES	22,760	22,760
024	SIGNALS, ALL TYPES	10,666	10,666
025	SIMULATORS, ALL TYPES	7,412	7,412
	<b>MISCELLANEOUS</b>		
026	AMMO COMPONENTS, ALL TYPES	12,726	12,726
027	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[-200]
028	ITEMS LESS THAN \$5 MILLION (AMMO)	10,006	9,506
	Early to need		[-500]
029	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[-3,700]

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Line	Item	FY 2017 Request	Conference Authorized
030	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,951	14,951
	<b>PRODUCTION BASE SUPPORT</b>		
032	INDUSTRIAL FACILITIES .....	222,269	242,269
	Program increase .....		[20,000]
033	CONVENTIONAL MUNITIONS DEMILITARIZATION .....	157,383	157,383
034	ARMS INITIATIVE .....	3,646	3,646
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>1,513,157</b>	<b>1,514,803</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
001	TACTICAL TRAILERS/DOLLY SETS .....	3,733	3,733
002	SEMITRAILERS, FLATBED: .....	3,716	3,716
003	HI MOB MULTI-PURP WHLD VEH (HMMWV) .....		50,000
	HMMWV M997A3 ambulance recapitalization for Active Component .....		[50,000]
004	GROUND MOBILITY VEHICLES (GMV) .....	4,907	4,907
006	JOINT LIGHT TACTICAL VEHICLE .....	587,514	587,514
007	TRUCK, DUMP, 20T (CCE) .....	3,927	3,927
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	53,293	53,293
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	7,460	7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	39,564	39,564
011	PLS ESP .....	11,856	11,856
013	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	49,751	49,751
014	MODIFICATION OF IN SVC EQUIP .....	64,000	54,000
	Program reduction .....		[-10,000]
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	10,611	10,611
	<b>NON-TACTICAL VEHICLES</b>		
016	HEAVY ARMORED SEDAN .....	394	394
018	NONTACTICAL VEHICLES, OTHER .....	1,755	1,755
	<b>COMM—JOINT COMMUNICATIONS</b>		
019	WIN-T—GROUND FORCES TACTICAL NETWORK .....	427,598	427,598
020	SIGNAL MODERNIZATION PROGRAM .....	58,250	58,250
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY .....	5,749	5,749
022	JCSE EQUIPMENT (USREDCOM) .....	5,068	5,068
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	143,805	143,805
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....	36,580	36,580
025	SHF TERM .....	1,985	1,985
027	SMART-T (SPACE) .....	9,165	9,165
	<b>COMM—C3 SYSTEM</b>		
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	2,530	2,530
	<b>COMM—COMBAT COMMUNICATIONS</b>		
033	HANDHELD MANPACK SMALL FORM FIT (HMS) .....	273,645	273,645
034	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	25,017	25,017
035	RADIO TERMINAL SET, MIDS LVT(2) .....	12,326	12,326
037	TRACTOR DESK .....	2,034	2,034
038	TRACTOR RIDE .....	2,334	2,334
039	SPIDER APLA REMOTE CONTROL UNIT .....	1,985	1,985
040	SPIDER FAMILY OF NETWORKED MUNITIONS INCR .....	10,796	10,796
042	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....	3,607	3,607
043	UNIFIED COMMAND SUITE .....	14,295	14,295
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE .....	19,893	19,893
	<b>COMM—INTELLIGENCE COMM</b>		
047	CI AUTOMATION ARCHITECTURE .....	1,388	1,388
048	ARMY CAMISO GPF EQUIPMENT .....	5,494	5,494
	<b>INFORMATION SECURITY</b>		
049	FAMILY OF BIOMETRICS .....	2,978	2,978
051	COMMUNICATIONS SECURITY (COMSEC) .....	131,356	131,356
052	DEFENSIVE CYBER OPERATIONS .....	15,132	15,132
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
053	BASE SUPPORT COMMUNICATIONS .....	27,452	27,452
	<b>COMM—BASE COMMUNICATIONS</b>		
054	INFORMATION SYSTEMS .....	122,055	122,055
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM .....	4,286	4,286
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	131,794	131,794
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
059	JTT/CIBS-M .....	5,337	5,337
062	DCGS-A (MIP) .....	242,514	217,814
	Program reduction .....		[-24,700]
063	JOINT TACTICAL GROUND STATION (JTAGS) .....	4,417	4,417
064	TROJAN (MIP) .....	17,455	17,455
065	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	44,965	44,965
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS) .....	7,658	7,658
067	CLOSE ACCESS TARGET RECONNAISSANCE (CATR) .....	7,970	7,970
068	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M .....	545	545
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
070	LIGHTWEIGHT COUNTER MORTAR RADAR .....	74,038	68,453
	Unit cost growth .....		[-5,585]
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT) .....	3,235	3,235
072	AIR VIGILANCE (AV) .....	733	733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE .....	1,740	1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	455	455
076	CI MODERNIZATION .....	176	176

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<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
077	SENTINEL MODS .....	40,171	40,171
078	NIGHT VISION DEVICES .....	163,029	163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	15,885	15,885
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	48,427	48,427
081	FAMILY OF WEAPON SIGHTS (FWS) .....	55,536	55,536
082	ARTILLERY ACCURACY EQUIP .....	4,187	4,187
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	137,501	137,501
086	JOINT EFFECTS TARGETING SYSTEM (JETS) .....	50,726	50,726
087	MOD OF IN-SVC EQUIP (LLDR) .....	28,058	28,058
088	COMPUTER BALLISTICS: LHMBC XM32 .....	5,924	5,924
089	MORTAR FIRE CONTROL SYSTEM .....	22,331	22,331
090	COUNTERFIRE RADARS .....	314,509	281,509
	Unit cost savings .....		[-33,000]
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
091	FIRE SUPPORT C2 FAMILY .....	8,660	8,660
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	54,376	54,376
093	IAMD BATTLE COMMAND SYSTEM .....	204,969	204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	4,718	4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	11,063	11,063
096	MANEUVER CONTROL SYSTEM (MCS) .....	151,318	151,318
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A) .....	155,660	155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP) .....	4,214	4,214
099	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	107,960
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	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>		
110A	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
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	35,656
	Program decrease .....		[-7,000]
	<b>MEDICAL EQUIPMENT</b>		
141	COMBAT SUPPORT MEDICAL .....	59,761	59,761
	<b>MAINTENANCE EQUIPMENT</b>		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	35,694	32,194
	Program reduction .....		[-3,500]
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

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Line	Item	FY 2017 Request	Conference Authorized
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
	Program reduction .....		[-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	21,860
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	67,367
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>5,835,664</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
003	JOINT STRIKE FIGHTER CV .....	890,650	890,650
004	ADVANCE PROCUREMENT (CY) .....	80,908	80,908
005	J5F STOVL .....	2,037,768	2,037,768
006	ADVANCE PROCUREMENT (CY) .....	233,648	233,648
007	CH-53K (HEAVY LIFT) .....	348,615	348,615
008	ADVANCE PROCUREMENT (CY) .....	88,365	88,365
009	V-22 (MEDIUM LIFT) .....	1,264,134	1,249,134
	Support cost growth .....		[-15,000]
010	ADVANCE PROCUREMENT (CY) .....	19,674	19,674
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	759,778	756,586
	Airframe unit cost growth .....		[-3,192]
012	ADVANCE PROCUREMENT (CY) .....	57,232	57,232
014	MH-60R (MYP) .....	61,177	53,177
	Line shutdown costs—early to need .....		[-8,000]
016	P-8A POSEIDON .....	1,940,238	1,863,238
	Airframe unit cost growth .....		[-77,000]
017	ADVANCE PROCUREMENT (CY) .....	123,140	123,140
018	E-2D ADV HAWKEYE .....	916,483	916,483
019	ADVANCE PROCUREMENT (CY) .....	125,042	125,042
	<b>TRAINER AIRCRAFT</b>		
020	JPATS .....	5,849	5,849
	<b>OTHER AIRCRAFT</b>		
021	KC-130J .....	128,870	128,870
022	ADVANCE PROCUREMENT (CY) .....	24,848	24,848
023	MQ-4 TRITON .....	409,005	396,125
	Unit cost savings .....		[-12,880]
024	ADVANCE PROCUREMENT (CY) .....	55,652	55,652
025	MQ-8 UAV .....	72,435	72,435
	<b>MODIFICATION OF AIRCRAFT</b>		
029	AEA SYSTEMS .....	51,900	51,900
030	AV-8 SERIES .....	60,818	60,818
031	ADVERSARY .....	5,191	5,191
032	F-18 SERIES .....	1,023,492	986,192
	Unobligated balances .....		[-37,300]
034	H-53 SERIES .....	46,095	46,095
035	SH-60 SERIES .....	108,328	108,328
036	H-1 SERIES .....	46,333	46,333
037	EP-3 SERIES .....	14,681	14,681
038	P-3 SERIES .....	2,781	2,781
039	E-2 SERIES .....	32,949	32,949
040	TRAINER A/C SERIES .....	13,199	13,199
041	C-2A .....	19,066	19,066
042	C-130 SERIES .....	61,788	59,788

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Line	Item	FY 2017 Request	Conference Authorized
	<i>Training equipment unjustified growth (OSIP 022-07)</i> .....		[-2,000]
043	FEWSG .....	618	618
044	CARGO/TRANSPORT A/C SERIES .....	9,822	9,822
045	E-6 SERIES .....	222,077	222,077
046	EXECUTIVE HELICOPTERS SERIES .....	66,835	66,835
047	SPECIAL PROJECT AIRCRAFT .....	16,497	16,497
048	T-45 SERIES .....	114,887	114,887
049	POWER PLANT CHANGES .....	16,893	14,893
	<i>Excess support growth</i> .....		[-2,000]
050	JPATS SERIES .....	17,401	17,401
051	COMMON ECM EQUIPMENT .....	143,773	143,773
052	COMMON AVIONICS CHANGES .....	164,839	164,839
053	COMMON DEFENSIVE WEAPON SYSTEM .....	4,403	4,403
054	ID SYSTEMS .....	45,768	45,768
055	P-8 SERIES .....	18,836	18,836
056	MAGTF EW FOR AVIATION .....	5,676	5,676
057	MQ-8 SERIES .....	19,003	19,003
058	RQ-7 SERIES .....	3,534	3,534
059	V-22 (TILT/ROTOR ACFT) OSPREY .....	141,545	141,545
060	F-35 STOVL SERIES .....	34,928	34,928
061	F-35 CV SERIES .....	26,004	26,004
062	QRC .....	5,476	5,476
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
063	SPARES AND REPAIR PARTS .....	1,407,626	1,407,626
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
064	COMMON GROUND EQUIPMENT .....	390,103	390,103
065	AIRCRAFT INDUSTRIAL FACILITIES .....	23,194	23,194
066	WAR CONSUMABLES .....	40,613	40,613
067	OTHER PRODUCTION CHARGES .....	860	860
068	SPECIAL SUPPORT EQUIPMENT .....	36,282	36,282
069	FIRST DESTINATION TRANSPORTATION .....	1,523	1,523
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>14,109,148</b>	<b>13,951,776</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,103,086	1,103,086
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	6,776	6,776
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	186,905	179,905
	<i>Tomahawk unit cost growth</i> .....		[-7,000]
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	204,697	197,447
	<i>Unit cost growth</i> .....		[-7,250]
005	SIDEWINDER .....	70,912	70,912
006	JSOW .....	2,232	2,232
007	STANDARD MISSILE .....	501,212	497,968
	<i>Diminishing manufacturing sources excess growth</i> .....		[-3,244]
008	RAM .....	71,557	71,557
009	JOINT AIR GROUND MISSILE (JAGM) .....	26,200	21,922
	<i>Unit cost savings</i> .....		[-4,278]
012	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	3,316	3,316
013	AERIAL TARGETS .....	137,484	137,484
014	OTHER MISSILE SUPPORT .....	3,248	3,248
015	LRASM .....	29,643	29,643
	<b>MODIFICATION OF MISSILES</b>		
016	ESSM .....	52,935	52,935
018	HARM MODS .....	178,213	178,213
019	STANDARD MISSILES MODS .....	8,164	8,164
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
020	WEAPONS INDUSTRIAL FACILITIES .....	1,964	1,964
021	FLEET SATELLITE COMM FOLLOW-ON .....	36,723	36,723
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
022	ORDNANCE SUPPORT EQUIPMENT .....	59,096	59,096
	<b>TORPEDOES AND RELATED EQUIP</b>		
023	SSTD .....	5,910	5,910
024	MK-48 TORPEDO .....	44,537	44,537
025	ASW TARGETS .....	9,302	9,302
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
026	MK-54 TORPEDO MODS .....	98,092	98,092
027	MK-48 TORPEDO ADCAP MODS .....	46,139	46,139
028	QUICKSTRIKE MINE .....	1,236	1,236
	<b>SUPPORT EQUIPMENT</b>		
029	TORPEDO SUPPORT EQUIPMENT .....	60,061	60,061
030	ASW RANGE SUPPORT .....	3,706	3,706
	<b>DESTINATION TRANSPORTATION</b>		
031	FIRST DESTINATION TRANSPORTATION .....	3,804	3,804
	<b>GUNS AND GUN MOUNTS</b>		
032	SMALL ARMS AND WEAPONS .....	18,002	18,002
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
033	CIWS MODS .....	50,900	50,900
034	COAST GUARD WEAPONS .....	25,295	25,295

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
035	GUN MOUNT MODS .....	77,003	77,003
036	LCS MODULE WEAPONS .....	2,776	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	15,753	15,753
	<b>SPARES AND REPAIR PARTS</b>		
040	SPARES AND REPAIR PARTS .....	62,383	62,383
	<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>3,209,262</b>	<b>3,187,490</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS .....	91,659	91,659
002	AIRBORNE ROCKETS, ALL TYPES .....	65,759	65,759
003	MACHINE GUN AMMUNITION .....	8,152	8,152
004	PRACTICE BOMBS .....	41,873	41,873
005	CARTRIDGES & CART ACTUATED DEVICES .....	54,002	54,002
006	AIR EXPENDABLE COUNTERMEASURES .....	57,034	57,034
007	JATOS .....	2,735	2,735
009	5 INCH/54 GUN AMMUNITION .....	19,220	19,220
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	30,196	30,196
011	OTHER SHIP GUN AMMUNITION .....	39,009	39,009
012	SMALL ARMS & LANDING PARTY AMMO .....	46,727	46,727
013	PYROTECHNIC AND DEMOLITION .....	9,806	9,806
014	AMMUNITION LESS THAN \$5 MILLION .....	2,900	2,900
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	27,958	27,958
017	40 MM, ALL TYPES .....	14,758	14,758
018	60MM, ALL TYPES .....	992	992
020	120MM, ALL TYPES .....	16,757	12,157
	120mm early to need .....		[-4,600]
021	GRENADES, ALL TYPES .....	972	972
022	ROCKETS, ALL TYPES .....	14,186	14,186
023	ARTILLERY, ALL TYPES .....	68,656	68,656
024	DEMOLITION MUNITIONS, ALL TYPES .....	1,700	1,700
025	FUZE, ALL TYPES .....	26,088	26,088
027	AMMO MODERNIZATION .....	14,660	14,660
028	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>657,268</b>
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>		
	<b>FLEET BALLISTIC MISSILE SHIPS</b>		
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT .....	773,138	773,138
	<b>OTHER WARSHIPS</b>		
002	CARRIER REPLACEMENT PROGRAM .....	1,291,783	1,291,783
003	ADVANCE PROCUREMENT (CY) .....	1,370,784	1,370,784
004	VIRGINIA CLASS SUBMARINE .....	3,187,985	3,187,985
005	ADVANCE PROCUREMENT (CY) .....	1,767,234	1,852,234
	Long-lead Time Materiel Orders for Virginia Class .....		[85,000]
006	CVN REFUELING OVERHAULS .....	1,743,220	1,743,220
007	ADVANCE PROCUREMENT (CY) .....	248,599	248,599
008	DDG 1000 .....	271,756	271,756
009	DDG-51 .....	3,211,292	3,261,092
	Fund additional FY16 destroyer .....		[49,800]
011	LITTORAL COMBAT SHIP .....	1,125,625	1,097,625
	Unjustified growth .....		[-28,000]
	<b>AMPHIBIOUS SHIPS</b>		
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R) .....		440,000
	Procurement of LPD-29 or LX (R) .....		[440,000]
016	LHA REPLACEMENT .....	1,623,024	1,623,024
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
020	ADVANCE PROCUREMENT (CY) .....	73,079	73,079
022	MOORED TRAINING SHIP .....	624,527	624,527
025	OUTFITTING .....	666,158	645,054
	Outfitting and post delivery funds early to need .....		[-21,104]
026	SHIP TO SHORE CONNECTOR .....	128,067	128,067
027	SERVICE CRAFT .....	65,192	65,192
028	LCAC SLEP .....	1,774	1,774
029	YP CRAFT MAINTENANCE/ROH/SLEP .....	21,363	21,363
030	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	160,274	160,274
	<b>TOTAL SHIPBUILDING AND CONVERSION, NAVY .....</b>	<b>18,354,874</b>	<b>18,880,570</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
003	SURFACE POWER EQUIPMENT .....	15,514	15,514
004	HYBRID ELECTRIC DRIVE (HED) .....	40,132	39,282
	Installation early to need .....		[-850]
	<b>GENERATORS</b>		
005	SURFACE COMBATANT HM&E .....	29,974	29,974
	<b>NAVIGATION EQUIPMENT</b>		
006	OTHER NAVIGATION EQUIPMENT .....	63,942	63,942
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
008	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG .....	136,421	136,421
009	DDG MOD .....	367,766	367,766

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
010	FIREFIGHTING EQUIPMENT .....	14,743	14,743
011	COMMAND AND CONTROL SWITCHBOARD .....	2,140	2,140
012	LHA/LHD MIDLIFE .....	24,939	24,939
014	POLLUTION CONTROL EQUIPMENT .....	20,191	19,342
	HF062 lightering systems unit cost growth .....		[-849]
015	SUBMARINE SUPPORT EQUIPMENT .....	8,995	8,995
016	VIRGINIA CLASS SUPPORT EQUIPMENT .....	66,838	66,838
017	LCS CLASS SUPPORT EQUIPMENT .....	54,823	54,823
018	SUBMARINE BATTERIES .....	23,359	23,359
019	LPD CLASS SUPPORT EQUIPMENT .....	40,321	40,321
020	DDG 1000 CLASS SUPPORT EQUIPMENT .....	33,404	33,404
021	STRATEGIC PLATFORM SUPPORT EQUIP .....	15,836	15,836
022	DSSP EQUIPMENT .....	806	806
024	LCAC .....	3,090	3,090
025	UNDERWATER EOD PROGRAMS .....	24,350	24,350
026	ITEMS LESS THAN \$5 MILLION .....	88,719	86,899
	LSD boat davit kit cost growth .....		[-993]
	Propellers and shafts unit cost growth .....		[-827]
027	CHEMICAL WARFARE DETECTORS .....	2,873	2,873
028	SUBMARINE LIFE SUPPORT SYSTEM .....	6,043	6,043
	<b>REACTOR PLANT EQUIPMENT</b>		
030	REACTOR COMPONENTS .....	342,158	342,158
	<b>OCEAN ENGINEERING</b>		
031	DIVING AND SALVAGE EQUIPMENT .....	8,973	8,973
	<b>SMALL BOATS</b>		
032	STANDARD BOATS .....	43,684	43,684
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
034	OPERATING FORCES IPE .....	75,421	75,421
	<b>OTHER SHIP SUPPORT</b>		
035	NUCLEAR ALTERATIONS .....	172,718	172,718
036	LCS COMMON MISSION MODULES EQUIPMENT .....	27,840	17,840
	RMMV program restructure .....		[-10,000]
037	LCS MCM MISSION MODULES .....	57,146	57,146
038	LCS ASW MISSION MODULES .....	31,952	21,952
	Early to need .....		[-10,000]
039	LCS SUW MISSION MODULES .....	22,466	21,064
	MK-46 gun weapon system contract delays .....		[-1,402]
	<b>LOGISTIC SUPPORT</b>		
041	LSD MIDLIFE .....	10,813	10,813
	<b>SHIP SONARS</b>		
042	SPQ-9B RADAR .....	14,363	14,363
043	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	90,029	90,029
045	SSN ACOUSTIC EQUIPMENT .....	248,765	248,765
046	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	7,163	7,163
	<b>ASW ELECTRONIC EQUIPMENT</b>		
048	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	21,291	21,291
049	SSTD .....	6,893	6,893
050	FIXED SURVEILLANCE SYSTEM .....	145,701	145,701
051	SURTASS .....	36,136	36,136
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
053	AN/SLQ-32 .....	274,892	266,641
	Block 3 excess support .....		[-4,270]
	Block 3T excess support .....		[-1,000]
	Block 3T installation prior year carryover .....		[-2,981]
	<b>RECONNAISSANCE EQUIPMENT</b>		
054	SHIPBOARD IW EXPLOIT .....	170,733	170,733
055	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	958	958
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
057	COOPERATIVE ENGAGEMENT CAPABILITY .....	22,034	22,034
059	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	12,336	12,336
060	ATDLS .....	30,105	30,105
061	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	4,556	4,556
062	MINESWEEPING SYSTEM REPLACEMENT .....	56,675	32,198
	Ahead of need .....		[-24,477]
063	SHALLOW WATER MCM .....	8,875	8,875
064	NAVSTAR GPS RECEIVERS (SPACE) .....	12,752	12,752
065	AMERICAN FORCES RADIO AND TV SERVICE .....	4,577	4,577
066	STRATEGIC PLATFORM SUPPORT EQUIP .....	8,972	8,972
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
069	ASHORE ATC EQUIPMENT .....	75,068	75,068
070	AFLOAT ATC EQUIPMENT .....	33,484	33,484
076	ID SYSTEMS .....	22,177	22,177
077	NAVAL MISSION PLANNING SYSTEMS .....	14,273	14,273
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
080	TACTICAL/MOBILE C4I SYSTEMS .....	27,927	27,927
081	DCGS-N .....	12,676	12,676
082	CANES .....	212,030	212,030
083	RADIAC .....	8,092	8,092
084	CANES-INTELL .....	36,013	36,013
085	GPETE .....	6,428	6,428
087	INTEG COMBAT SYSTEM TEST FACILITY .....	8,376	8,376
088	EMI CONTROL INSTRUMENTATION .....	3,971	3,971

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Line	Item	FY 2017 Request	Conference Authorized
089	ITEMS LESS THAN \$5 MILLION .....	58,721	58,721
	<b>SHIPBOARD COMMUNICATIONS</b>		
090	SHIPBOARD TACTICAL COMMUNICATIONS .....	17,366	17,366
091	SHIP COMMUNICATIONS AUTOMATION .....	102,479	102,479
092	COMMUNICATIONS ITEMS UNDER \$5M .....	10,403	10,403
	<b>SUBMARINE COMMUNICATIONS</b>		
093	SUBMARINE BROADCAST SUPPORT .....	34,151	34,151
094	SUBMARINE COMMUNICATION EQUIPMENT .....	64,529	64,529
	<b>SATELLITE COMMUNICATIONS</b>		
095	SATELLITE COMMUNICATIONS SYSTEMS .....	14,414	14,414
096	NAVY MULTIBAND TERMINAL (NMT) .....	38,365	38,365
	<b>SHORE COMMUNICATIONS</b>		
097	JCS COMMUNICATIONS EQUIPMENT .....	4,156	4,156
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
099	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	159,541
	Excess unit cost growth .....		[-3,047]
	<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	310,946
	Program execution .....		[-9,500]
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	94,979
	Unjustified growth .....		[-2,535]
	<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
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	29,980
	CNIC building control systems unjustified request .....		[-7,200]
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>		
150A	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>6,258,930</b>

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
<b>PROCUREMENT, MARINE CORPS</b>			
<b>TRACKED COMBAT VEHICLES</b>			
001	AAV7A1 PIP .....	73,785	71,785
	Production engineering support excess growth .....		[-2,000]
002	LAV PIP .....	53,423	53,423
<b>ARTILLERY AND OTHER WEAPONS</b>			
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	3,360	3,360
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	3,318	3,318
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	33,725	33,725
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	8,181	8,181
<b>OTHER SUPPORT</b>			
007	MODIFICATION KITS .....	15,250	15,250
<b>GUIDED MISSILES</b>			
009	GROUND BASED AIR DEFENSE .....	9,170	9,170
010	JAVELIN .....	1,009	1,009
011	FOLLOW ON TO SMAW .....	24,666	24,666
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	17,080	17,080
<b>COMMAND AND CONTROL SYSTEMS</b>			
015	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C .....	47,312	47,312
<b>REPAIR AND TEST EQUIPMENT</b>			
016	REPAIR AND TEST EQUIPMENT .....	16,469	16,469
<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>			
019	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	7,433	7,433
020	AIR OPERATIONS C2 SYSTEMS .....	15,917	15,917
<b>RADAR + EQUIPMENT (NON-TEL)</b>			
021	RADAR SYSTEMS .....	17,772	17,772
022	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	123,758	123,758
023	RQ-21 UAS .....	80,217	80,217
<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>			
024	GCSS-MC .....	1,089	1,089
025	FIRE SUPPORT SYSTEM .....	13,258	13,258
026	INTELLIGENCE SUPPORT EQUIPMENT .....	56,379	56,379
029	RQ-11 UAV .....	1,976	1,976
031	DCGS-MC .....	1,149	1,149
032	UAS PAYLOADS .....	2,971	2,971
<b>OTHER SUPPORT (NON-TEL)</b>			
034	NEXT GENERATION ENTERPRISE NETWORK (NGEN) .....	76,302	76,302
035	COMMON COMPUTER RESOURCES .....	41,802	39,477
	Prior year carryover .....		[-2,325]
036	COMMAND POST SYSTEMS .....	90,924	90,924
037	RADIO SYSTEMS .....	43,714	43,714
038	COMM SWITCHING & CONTROL SYSTEMS .....	66,383	66,383
039	COMM & ELEC INFRASTRUCTURE SUPPORT .....	30,229	30,229
<b>CLASSIFIED PROGRAMS</b>			
039A	CLASSIFIED PROGRAMS .....	2,738	2,738
<b>ADMINISTRATIVE VEHICLES</b>			
041	COMMERCIAL CARGO VEHICLES .....	88,312	88,312
<b>TACTICAL VEHICLES</b>			
043	MOTOR TRANSPORT MODIFICATIONS .....	13,292	13,292
045	JOINT LIGHT TACTICAL VEHICLE .....	113,230	113,230
046	FAMILY OF TACTICAL TRAILERS .....	2,691	2,691
<b>ENGINEER AND OTHER EQUIPMENT</b>			
048	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	18	18
050	TACTICAL FUEL SYSTEMS .....	78	78
051	POWER EQUIPMENT ASSORTED .....	17,973	17,973
052	AMPHIBIOUS SUPPORT EQUIPMENT .....	7,371	7,371
053	EOD SYSTEMS .....	14,021	14,021
<b>MATERIALS HANDLING EQUIPMENT</b>			
054	PHYSICAL SECURITY EQUIPMENT .....	31,523	31,523
<b>GENERAL PROPERTY</b>			
058	TRAINING DEVICES .....	33,658	33,658
060	FAMILY OF CONSTRUCTION EQUIPMENT .....	21,315	21,315
061	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) .....	9,654	9,654
<b>OTHER SUPPORT</b>			
062	ITEMS LESS THAN \$5 MILLION .....	6,026	6,026
<b>SPARES AND REPAIR PARTS</b>			
064	SPARES AND REPAIR PARTS .....	22,848	22,848
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,362,769</b>	<b>1,358,444</b>
<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>			
<b>TACTICAL FORCES</b>			
001	F-35 .....	4,401,894	4,188,894
	Program efficiencies .....		[-213,000]
002	ADVANCE PROCUREMENT (CY) .....	404,500	404,500
<b>TACTICAL AIRLIFT</b>			
003	KC-46A TANKER .....	2,884,591	2,884,591
<b>OTHER AIRLIFT</b>			
004	C-130J .....	145,655	145,655
006	HC-130J .....	317,576	317,576
007	ADVANCE PROCUREMENT (CY) .....	20,000	20,000
008	MC-130J .....	548,358	548,358
009	ADVANCE PROCUREMENT (CY) .....	50,000	50,000

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>HELICOPTERS</b>		
010	UH-1N REPLACEMENT .....	18,337	18,337
	<b>MISSION SUPPORT AIRCRAFT</b>		
012	CIVIL AIR PATROL A/C .....	2,637	2,637
	<b>OTHER AIRCRAFT</b>		
013	TARGET DRONES .....	114,656	114,656
014	RQ-4 .....	12,966	12,966
015	MQ-9 .....	122,522	122,522
	<b>STRATEGIC AIRCRAFT</b>		
016	B-2A .....	46,729	46,729
017	B-1B .....	116,319	116,319
018	B-52 .....	109,020	109,020
	<b>TACTICAL AIRCRAFT</b>		
020	A-10 .....	1,289	1,289
021	F-15 .....	105,685	105,685
022	F-16 .....	97,331	114,331
	Active missile warning system .....		[12,000]
	Anti-jam global positioning system (GPS) upgrade .....		[5,000]
023	F-22A .....	163,008	163,008
024	F-35 MODIFICATIONS .....	175,811	175,811
025	INCREMENT 3.2B .....	76,410	76,410
026	ADVANCE PROCUREMENT (CY) .....	2,000	2,000
	<b>AIRLIFT AIRCRAFT</b>		
027	C-5 .....	24,192	24,192
029	C-17A .....	21,555	21,555
030	C-21 .....	5,439	5,439
031	C-32A .....	35,235	35,235
032	C-37A .....	5,004	5,004
	<b>TRAINER AIRCRAFT</b>		
033	GLIDER MODS .....	394	394
034	T-6 .....	12,765	12,765
035	T-1 .....	25,073	17,073
	Production schedule slip .....		[-8,000]
036	T-38 .....	45,090	45,090
	<b>OTHER AIRCRAFT</b>		
037	U-2 MODS .....	36,074	36,074
038	KC-10A (ATCA) .....	4,570	4,570
039	C-12 .....	1,995	1,995
040	VC-25A MOD .....	102,670	102,670
041	C-40 .....	13,984	13,984
042	C-130 .....	9,168	81,668
	8-Bladed Propellers .....		[16,000]
	Electronic Propeller Control Systems .....		[13,500]
	In-flight Propeller Balancing System Certification .....		[1,500]
	T56 3.5 Engine Upgrade Kits .....		[41,500]
043	C-130J MODS .....	89,424	89,424
044	C-135 .....	64,161	64,161
045	COMPASS CALL MODS .....	130,257	59,857
	Compass Call Program Restructure .....		[-70,400]
046	RC-135 .....	211,438	211,438
047	E-3 .....	82,786	82,786
048	E-4 .....	53,348	53,348
049	E-8 .....	6,244	6,244
050	AIRBORNE WARNING AND CONTROL SYSTEM .....	223,427	223,427
051	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	4,673	4,673
052	H-1 .....	9,007	9,007
054	H-60 .....	91,357	91,357
055	RQ-4 MODS .....	32,045	32,045
056	HC/MC-130 MODIFICATIONS .....	30,767	30,767
057	OTHER AIRCRAFT .....	33,886	33,886
059	MQ-9 MODS .....	141,929	141,929
060	CV-22 MODS .....	63,395	63,395
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
061	INITIAL SPARES/REPAIR PARTS .....	686,491	673,291
	Compass Call Program Restructure .....		[-13,200]
	<b>COMMON SUPPORT EQUIPMENT</b>		
062	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	121,935	121,935
	<b>POST PRODUCTION SUPPORT</b>		
063	B-2A .....	154	154
064	B-2A .....	43,330	43,330
065	B-52 .....	28,125	28,125
066	C-17A .....	23,559	23,559
069	F-15 .....	2,980	2,980
070	F-16 .....	15,155	39,955
	Additional mission trainers .....		[24,800]
071	F-22A .....	48,505	48,505
074	RQ-4 POST PRODUCTION CHARGES .....	99	99
	<b>INDUSTRIAL PREPAREDNESS</b>		
075	INDUSTRIAL RESPONSIVENESS .....	14,126	14,126
	<b>WAR CONSUMABLES</b>		
076	WAR CONSUMABLES .....	120,036	120,036
	<b>OTHER PRODUCTION CHARGES</b>		

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
077	OTHER PRODUCTION CHARGES .....	1,252,824	1,252,824
	<b>CLASSIFIED PROGRAMS</b>		
077A	CLASSIFIED PROGRAMS .....	16,952	119,952
	Compass Call Program Restructure .....		[103,000]
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>13,922,917</b>	<b>13,835,617</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>		
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	70,247	70,247
	<b>TACTICAL</b>		
002	JOINT AIR-SURFACE STANDOFF MISSILE .....	431,645	431,645
003	LRASM0 .....	59,511	59,511
004	SIDEWINDER (AIM-9X) .....	127,438	127,438
005	AMRAAM .....	350,144	339,392
	Pricing adjustment .....		[-10,752]
006	PREDATOR HELLFIRE MISSILE .....	33,955	33,955
007	SMALL DIAMETER BOMB .....	92,361	92,361
	<b>INDUSTRIAL FACILITIES</b>		
008	INDUSTRIAL PREPAREDNS/POL PREVENTION .....	977	977
	<b>CLASS IV</b>		
009	ICBM FUZE MOD .....	17,095	17,095
010	MM III MODIFICATIONS .....	68,692	68,692
011	AGM-65D MAVERICK .....	282	282
013	AIR LAUNCH CRUISE MISSILE (ALCM) .....	21,762	21,762
014	SMALL DIAMETER BOMB .....	15,349	15,349
	<b>MISSILE SPARES AND REPAIR PARTS</b>		
015	INITIAL SPARES/REPAIR PARTS .....	81,607	81,607
	<b>SPECIAL PROGRAMS</b>		
030	SPECIAL UPDATE PROGRAMS .....	46,125	46,125
	<b>CLASSIFIED PROGRAMS</b>		
030A	CLASSIFIED PROGRAMS .....	1,009,431	1,009,431
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>2,426,621</b>	<b>2,415,869</b>
	<b>SPACE PROCUREMENT, AIR FORCE</b>		
	<b>SPACE PROGRAMS</b>		
001	ADVANCED EHF .....	645,569	645,569
002	AF SATELLITE COMM SYSTEM .....	42,375	42,375
003	COUNTERSPACE SYSTEMS .....	26,984	26,984
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	88,963	88,963
005	WIDEBAND GAP FILLER SATELLITES(SPACE) .....	86,272	86,272
006	GPS III SPACE SEGMENT .....	34,059	34,059
007	GLOBAL POSITIONING (SPACE) .....	2,169	2,169
008	SPACEBORNE EQUIP (COMSEC) .....	46,708	46,708
009	GLOBAL POSITIONING (SPACE) .....	13,171	10,271
	Excess to Need .....		[-2,900]
010	MILSATCOM .....	41,799	41,799
011	EVOLVED EXPENDABLE LAUNCH CAPABILITY .....	768,586	742,586
	Early to need .....		[-26,000]
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	737,853	536,853
	Early to need .....		[-201,000]
013	SBIR HIGH (SPACE) .....	362,504	362,504
014	NUDET DETECTION SYSTEM .....	4,395	4,395
015	SPACE MODS .....	8,642	8,642
016	SPACELIFT RANGE SYSTEM SPACE .....	123,088	123,088
	<b>SSPARES</b>		
017	INITIAL SPARES/REPAIR PARTS .....	22,606	22,606
	<b>TOTAL SPACE PROCUREMENT, AIR FORCE</b> .....	<b>3,055,743</b>	<b>2,825,843</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS .....	18,734	18,734
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	220,237	220,237
	<b>BOMBS</b>		
003	PRACTICE BOMBS .....	97,106	97,106
004	GENERAL PURPOSE BOMBS .....	581,561	581,561
005	MASSIVE ORDNANCE PENETRATOR (MOP) .....	3,600	3,600
006	JOINT DIRECT ATTACK MUNITION .....	303,988	297,988
	Pricing adjustment for increased quantity .....		[-6,000]
	<b>OTHER ITEMS</b>		
007	CAD/PAD .....	38,890	38,890
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	5,714	5,714
009	SPARES AND REPAIR PARTS .....	740	740
010	MODIFICATIONS .....	573	573
011	ITEMS LESS THAN \$5 MILLION .....	5,156	5,156
	<b>FLARES</b>		
012	FLARES .....	134,709	134,709
	<b>FUZES</b>		
013	FUZES .....	229,252	229,252
	<b>SMALL ARMS</b>		
014	SMALL ARMS .....	37,459	37,459
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>1,677,719</b>	<b>1,671,719</b>

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Line	Item	FY 2017 Request	Conference Authorized
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
001	PASSENGER CARRYING VEHICLES .....	14,437	14,437
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	24,812	24,812
003	CAP VEHICLES .....	984	984
004	ITEMS LESS THAN \$5 MILLION .....	11,191	11,191
	<b>SPECIAL PURPOSE VEHICLES</b>		
005	SECURITY AND TACTICAL VEHICLES .....	5,361	5,361
006	ITEMS LESS THAN \$5 MILLION .....	4,623	4,623
	<b>FIRE FIGHTING EQUIPMENT</b>		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	12,451	12,451
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	18,114	18,114
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV & CLEANING EQUIP .....	2,310	2,310
010	ITEMS LESS THAN \$5 MILLION .....	46,868	46,868
	<b>COMM SECURITY EQUIPMENT (COMSEC)</b>		
012	COMSEC EQUIPMENT .....	72,359	72,359
	<b>INTELLIGENCE PROGRAMS</b>		
014	INTELLIGENCE TRAINING EQUIPMENT .....	6,982	6,982
015	INTELLIGENCE COMM EQUIPMENT .....	30,504	30,504
	<b>ELECTRONICS PROGRAMS</b>		
016	AIR TRAFFIC CONTROL & LANDING SYS .....	55,803	55,803
017	NATIONAL AIRSPACE SYSTEM .....	2,673	2,673
018	BATTLE CONTROL SYSTEM—FIXED .....	5,677	5,677
019	THEATER AIR CONTROL SYS IMPROVEMENTS .....	1,163	1,163
020	WEATHER OBSERVATION FORECAST .....	21,667	21,667
021	STRATEGIC COMMAND AND CONTROL .....	39,803	39,803
022	CHEYENNE MOUNTAIN COMPLEX .....	24,618	24,618
023	MISSION PLANNING SYSTEMS .....	15,868	15,868
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN) .....	9,331	9,331
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
026	GENERAL INFORMATION TECHNOLOGY .....	41,779	41,779
027	AF GLOBAL COMMAND & CONTROL SYS .....	15,729	15,729
028	MOBILITY COMMAND AND CONTROL .....	9,814	9,814
029	AIR FORCE PHYSICAL SECURITY SYSTEM .....	99,460	99,460
030	COMBAT TRAINING RANGES .....	34,850	34,850
031	MINIMUM ESSENTIAL EMERGENCY COMM N .....	198,925	198,925
032	WIDE AREA SURVEILLANCE (WAS) .....	6,943	6,943
033	C3 COUNTERMEASURES .....	19,580	19,580
034	GCSS-AF FOS .....	1,743	1,743
036	THEATER BATTLE MGT C2 SYSTEM .....	9,659	9,659
037	AIR & SPACE OPERATIONS CTR-WPN SYS .....	15,474	15,474
038	AIR OPERATIONS CENTER (AOC) 10.2 .....	30,623	15,323
	Fielding .....		[-15,300]
	<b>AIR FORCE COMMUNICATIONS</b>		
039	INFORMATION TRANSPORT SYSTEMS .....	40,043	40,043
040	AFNET .....	146,897	146,897
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE) .....	5,182	5,182
042	USCENTCOM .....	13,418	13,418
	<b>ORGANIZATION AND BASE</b>		
052	TACTICAL C-E EQUIPMENT .....	109,836	109,836
053	RADIO EQUIPMENT .....	16,266	16,266
054	CCTV/AUDIOVISUAL EQUIPMENT .....	7,449	7,449
055	BASE COMM INFRASTRUCTURE .....	109,215	109,215
	<b>MODIFICATIONS</b>		
056	COMM ELECT MODS .....	65,700	65,700
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
058	ITEMS LESS THAN \$5 MILLION .....	54,416	54,416
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
059	MECHANIZED MATERIAL HANDLING EQUIP .....	7,344	7,344
	<b>BASE SUPPORT EQUIPMENT</b>		
060	BASE PROCURED EQUIPMENT .....	6,852	6,852
063	MOBILITY EQUIPMENT .....	8,146	8,146
064	ITEMS LESS THAN \$5 MILLION .....	28,427	28,427
	<b>SPECIAL SUPPORT PROJECTS</b>		
066	DARP RC135 .....	25,287	25,287
067	DCGS-AF .....	169,201	169,201
069	SPECIAL UPDATE PROGRAM .....	576,710	576,710
	<b>CLASSIFIED PROGRAMS</b>		
070A	CLASSIFIED PROGRAMS .....	15,119,705	15,119,705
	<b>SPARES AND REPAIR PARTS</b>		
072	SPARES AND REPAIR PARTS .....	15,784	15,784
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b>	<b>17,438,056</b>	<b>17,422,756</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, WHS</b>		
037	MAJOR EQUIPMENT, OSD .....	29,211	29,211
	<b>MAJOR EQUIPMENT, NSA</b>		
036	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	4,399	4,399

SEC. 4101. PROCUREMENT  
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Line	Item	FY 2017 Request	Conference Authorized
040	<b>MAJOR EQUIPMENT, WHS</b>		
	MAJOR EQUIPMENT, WHS .....	24,979	24,979
	<b>MAJOR EQUIPMENT, DISA</b>		
006	INFORMATION SYSTEMS SECURITY .....	21,347	21,347
007	TELEPORT PROGRAM .....	50,597	50,597
008	ITEMS LESS THAN \$5 MILLION .....	10,420	10,420
009	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	1,634	1,634
010	DEFENSE INFORMATION SYSTEM NETWORK .....	87,235	87,235
011	CYBER SECURITY INITIATIVE .....	4,528	4,528
012	WHITE HOUSE COMMUNICATION AGENCY .....	36,846	36,846
013	SENIOR LEADERSHIP ENTERPRISE .....	599,391	599,391
015	JOINT REGIONAL SECURITY STACKS (JRSS) .....	150,221	150,221
	<b>MAJOR EQUIPMENT, DLA</b>		
017	MAJOR EQUIPMENT .....	2,055	2,055
	<b>MAJOR EQUIPMENT, DSS</b>		
020	MAJOR EQUIPMENT .....	1,057	1,057
	<b>MAJOR EQUIPMENT, DCAA</b>		
001	ITEMS LESS THAN \$5 MILLION .....	2,964	2,964
	<b>MAJOR EQUIPMENT, TJS</b>		
038	MAJOR EQUIPMENT, TJS .....	7,988	7,988
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
023	THAAD .....	369,608	369,608
024	AEGIS BMD .....	463,801	528,801
	Increasing BMD capability for Aegis Ships .....		[65,000]
025	BMDs AN/TPY-2 RADARS .....	5,503	5,503
026	ARROW UPPER TIER .....		120,000
	Increase for Arrow 3 Coproduction subject to Title XVI .....		[120,000]
027	DAVID'S SLING .....		150,000
	Increase for DSWs Coproduction subject to Title XVI .....		[150,000]
028	AEGIS ASHORE PHASE III .....	57,493	57,493
029	IRON DOME .....	42,000	62,000
	Increase for Coproduction of Iron Dome Tamir Interceptors subject to Title XVI .....		[20,000]
030	AEGIS BMD HARDWARE AND SOFTWARE .....	50,098	50,098
	<b>MAJOR EQUIPMENT, DHRA</b>		
003	PERSONNEL ADMINISTRATION .....	14,232	14,232
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
021	VEHICLES .....	200	200
022	OTHER MAJOR EQUIPMENT .....	6,437	6,437
	<b>MAJOR EQUIPMENT, DODEA</b>		
019	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	288	288
	<b>MAJOR EQUIPMENT, DCMA</b>		
002	MAJOR EQUIPMENT .....	92	92
	<b>MAJOR EQUIPMENT, DMACT</b>		
018	MAJOR EQUIPMENT .....	8,060	8,060
	<b>CLASSIFIED PROGRAMS</b>		
040A	CLASSIFIED PROGRAMS .....	568,864	568,864
	<b>AVIATION PROGRAMS</b>		
042	ROTARY WING UPGRADES AND SUSTAINMENT .....	150,396	150,396
043	UNMANNED ISR .....	21,190	21,190
045	NON-STANDARD AVIATION .....	4,905	4,905
046	U-28 .....	3,970	3,970
047	MH-47 CHINOOK .....	25,022	25,022
049	CV-22 MODIFICATION .....	19,008	19,008
051	MQ-9 UNMANNED AERIAL VEHICLE .....	10,598	10,598
053	PRECISION STRIKE PACKAGE .....	213,122	200,072
	SOCOM requested transfer .....		[-13,050]
054	AC/MC-130J .....	73,548	86,598
	SOCOM requested transfer .....		[13,050]
055	C-130 MODIFICATIONS .....	32,970	32,970
	<b>SHIPBUILDING</b>		
056	UNDERWATER SYSTEMS .....	37,098	37,098
	<b>AMMUNITION PROGRAMS</b>		
057	ORDNANCE ITEMS <\$5M .....	105,267	105,267
	<b>OTHER PROCUREMENT PROGRAMS</b>		
058	INTELLIGENCE SYSTEMS .....	79,963	79,963
059	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	13,432	13,432
060	OTHER ITEMS <\$5M .....	66,436	66,436
061	COMBATANT CRAFT SYSTEMS .....	55,820	55,820
062	SPECIAL PROGRAMS .....	107,432	107,432
063	TACTICAL VEHICLES .....	67,849	67,849
064	WARRIOR SYSTEMS <\$5M .....	245,781	245,781
065	COMBAT MISSION REQUIREMENTS .....	19,566	19,566
066	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	3,437	3,437
067	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	17,299	17,299
069	OPERATIONAL ENHANCEMENTS .....	219,945	219,945
	<b>CBDP</b>		
070	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS .....	148,203	148,203
071	CB PROTECTION & HAZARD MITIGATION .....	161,113	161,113
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>4,524,918</b>	<b>4,879,918</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,300	0
	Program decrease .....		[-99,300]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>99,300</b>	<b>0</b>
<b>NATIONAL GUARD AND RESERVE EQUIPMENT UNDISTRIBUTED</b>			
007	MISCELLANEOUS EQUIPMENT .....		250,000
	Program increase .....		[250,000]
	<b>TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT</b> .....		<b>250,000</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>101,971,592</b>	<b>102,422,660</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>MODIFICATION OF AIRCRAFT</b>			
015	MULTI SENSOR ABN RECON (MIP) .....	21,400	21,400
020	EMARSS SEMA MODS (MIP) .....	42,700	42,700
026	RQ-7 UAV MODS .....	1,775	1,775
027	UAS MODS .....	4,420	4,420
<b>GROUND SUPPORT AVIONICS</b>			
030	CMWS .....	56,115	56,115
031	CIRCM .....	108,721	108,721
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>235,131</b>	<b>235,131</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
004	HELLFIRE SYS SUMMARY .....	305,830	305,830
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
007	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	15,567	15,567
008	TOW 2 SYSTEM SUMMARY .....	80,652	80,652
010	GUIDED MLRS ROCKET (GMLRS) .....	75,991	75,991
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS) .....	51,277	51,277
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>529,317</b>	<b>529,317</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>			
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>			
007	PALADIN INTEGRATED MANAGEMENT (PIM) .....	125,184	125,184
009	ASSAULT BRIDGE (MOD) .....	5,950	5,950
014	ABRAMS UPGRADE PROGRAM .....		72,000
	Army requested realignment (ERI) .....		[172,000]
	Realign APS Unit Set Requirements to Base .....		[-100,000]
<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>			
017	MORTAR SYSTEMS .....	22,410	22,410
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
036	BRADLEY PROGRAM .....		72,800
	Army requested realignment (ERI) .....		[72,800]
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>153,544</b>	<b>298,344</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>SMALL/MEDIUM CAL AMMUNITION</b>			
002	CTG, 7.62MM, ALL TYPES .....	9,642	9,642
004	CTG, .50 CAL, ALL TYPES .....	6,607	6,607
005	CTG, 20MM, ALL TYPES .....	1,077	1,077
006	CTG, 25MM, ALL TYPES .....	28,534	28,534
007	CTG, 30MM, ALL TYPES .....	20,000	20,000
008	CTG, 40MM, ALL TYPES .....	7,423	7,423
<b>MORTAR AMMUNITION</b>			
009	60MM MORTAR, ALL TYPES .....	10,000	10,000
010	81MM MORTAR, ALL TYPES .....	2,677	2,677
<b>TANK AMMUNITION</b>			
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	8,999	8,999
<b>ARTILLERY AMMUNITION</b>			
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	30,348	30,348
015	PROJ 155MM EXTENDED RANGE M982 .....	140	140
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	29,655	29,655
<b>MINES</b>			
017	MINES & CLEARING CHARGES, ALL TYPES .....	16,866	16,866
<b>NETWORKED MUNITIONS</b>			
018	SPIDER NETWORK MUNITIONS, ALL TYPES .....	10,353	10,353
<b>ROCKETS</b>			
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	63,210	63,210
020	ROCKET, HYDRA 70, ALL TYPES .....	42,851	42,851
<b>OTHER AMMUNITION</b>			
022	DEMOLITION MUNITIONS, ALL TYPES .....	6,373	6,373

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
023	GRENADES, ALL TYPES .....	4,143	4,143
024	SIGNALS, ALL TYPES .....	1,852	1,852
	<b>MISCELLANEOUS</b>		
027	NON-LETHAL AMMUNITION, ALL TYPES .....	773	773
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>301,523</b>	<b>301,523</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
002	SEMITRAILERS, FLATBED: .....	4,180	4,180
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	147,476	147,476
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	6,122	6,122
011	PLS ESP .....	106,358	106,358
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	203,766	203,766
013	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	101,154	101,154
014	MODIFICATION OF IN SVC EQUIP .....	155,456	155,456
	<b>COMM—JOINT COMMUNICATIONS</b>		
019	WIN-T—GROUND FORCES TACTICAL NETWORK .....	9,572	9,572
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
025	SHF TERM .....	24,000	24,000
	<b>COMM—INTELLIGENCE COMM</b>		
047	CI AUTOMATION ARCHITECTURE .....	1,550	1,550
	<b>INFORMATION SECURITY</b>		
051	COMMUNICATIONS SECURITY (COMSEC) .....	1,928	1,928
052	DEFENSIVE CYBER OPERATIONS .....	26,500	26,500
	<b>COMM—BASE COMMUNICATIONS</b>		
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	20,510	20,510
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
062	DCGS-A (MIP) .....	33,032	33,032
064	TROJAN (MIP) .....	3,305	3,305
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS) .....	7,233	7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP) .....	5,670	5,670
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
070	LIGHTWEIGHT COUNTER MORTAR RADAR .....	25,892	25,892
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE .....	11,610	11,610
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	23,890	23,890
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	76,270	76,270
089	MORTAR FIRE CONTROL SYSTEM .....	2,572	2,572
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
092	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>		
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 (HMEE) .....	2,900	2,900
155	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	96	96
	<b>GENERATORS</b>		
158	GENERATORS AND ASSOCIATED EQUIP .....	21,861	21,861
	<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>1,309,610</b>	<b>1,309,610</b>

**JOINT IMPROVISED-THREAT DEFEAT FUND**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>NETWORK ATTACK</b>		
001	RAPID ACQUISITION AND THREAT RESPONSE .....	332,000	332,000
	<b>STAFF AND INFRASTRUCTURE</b>		
002	MISSION ENABLERS .....	62,800	62,800
	<b>TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND .....</b>	<b>394,800</b>	<b>394,800</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
002	F/A-18E/F (FIGHTER) HORNET .....	184,912	184,912
	<b>OTHER AIRCRAFT</b>		
026	STUASLO UAV .....	70,000	70,000
	<b>MODIFICATION OF AIRCRAFT</b>		
037	EP-3 SERIES .....	7,505	7,505
047	SPECIAL PROJECT AIRCRAFT .....	14,869	14,869
051	COMMON ECM EQUIPMENT .....	70,780	70,780
059	V-22 (TILT/ROTOR ACFT) OSPREY .....	8,740	8,740
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
063	SPARES AND REPAIR PARTS .....	1,500	1,500
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
065	AIRCRAFT INDUSTRIAL FACILITIES .....	524	524
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>358,830</b>	<b>358,830</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>TACTICAL MISSILES</b>		
010	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>		
001	GENERAL PURPOSE BOMBS .....	40,366	40,366
002	AIRBORNE ROCKETS, ALL TYPES .....	8,860	8,860
006	AIR EXPENDABLE COUNTERMEASURES .....	7,060	7,060
013	PYROTECHNIC AND DEMOLITION .....	1,122	1,122
014	AMMUNITION LESS THAN \$5 MILLION .....	3,495	3,495
	<b>MARINE CORPS AMMUNITION</b>		
015	SMALL ARMS AMMUNITION .....	1,205	1,205
017	40 MM, ALL TYPES .....	539	539
018	60MM, ALL TYPES .....	909	909
020	120MM, ALL TYPES .....	530	530
022	ROCKETS, ALL TYPES .....	469	469
023	ARTILLERY, ALL TYPES .....	1,196	1,196
024	DEMOLITION MUNITIONS, ALL TYPES .....	261	261
025	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>		
081	DCGS-N .....	12,000	12,000
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	40,000	40,000
	<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
139	MEDICAL SUPPORT EQUIPMENT .....	5,000	5,000
	<b>CLASSIFIED PROGRAMS</b>		
150A	CLASSIFIED PROGRAMS .....	1,660	1,660
	<b>TOTAL OTHER PROCUREMENT, NAVY .....</b>	<b>69,877</b>	<b>69,877</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>ARTILLERY AND OTHER WEAPONS</b>		
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	572	572
	<b>GUIDED MISSILES</b>		
010	JAVELIN .....	1,606	1,606
	<b>OTHER SUPPORT (TEL)</b>		
018	MODIFICATION KITS .....	2,600	2,600
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
019	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	2,200	2,200
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
026	INTELLIGENCE SUPPORT EQUIPMENT .....	20,981	20,981
029	RQ-11 UAV .....	3,817	3,817
	<b>OTHER SUPPORT (NON-TEL)</b>		
035	COMMON COMPUTER RESOURCES .....	2,600	2,600
037	RADIO SYSTEMS .....	9,563	9,563
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
053	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>		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
004	C-130J .....	73,000	73,000
	<b>OTHER AIRCRAFT</b>		
015	MQ-9 .....	273,600	186,600
	Air Force requested transfer to line 61 for spares .....		[-87,000]
	<b>STRATEGIC AIRCRAFT</b>		
019	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	135,801	135,801
	<b>TACTICAL AIRCRAFT</b>		
020	A-10 .....	23,850	23,850
	<b>OTHER AIRCRAFT</b>		
047	E-3 .....	6,600	6,600
056	HC/MC-130 MODIFICATIONS .....	13,550	13,550
057	OTHER AIRCRAFT .....	7,500	7,500
059	MQ-9 MODS .....	112,068	112,068
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
061	INITIAL SPARES/REPAIR PARTS .....	25,600	87,000
	Air Force requested transfer from line 15 for spares .....		[87,000]
	Compass Call Program Restructure .....		[-25,600]
	<b>OTHER PRODUCTION CHARGES</b>		
077	OTHER PRODUCTION CHARGES .....	8,400	8,400
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>679,969</b>	<b>654,369</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
006	PREDATOR HELLFIRE MISSILE .....	145,125	145,125
	<b>CLASS IV</b>		
011	AGM-65D MAVERICK .....	9,720	9,720
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>154,845</b>	<b>154,845</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	9,830	9,830
	<b>BOMBS</b>		
004	GENERAL PURPOSE BOMBS .....	7,921	7,921
006	JOINT DIRECT ATTACK MUNITION .....	140,126	130,876
	Pricing adjustment .....		[-9,250]
	<b>FLARES</b>		
012	FLARES .....	6,531	6,531
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>164,408</b>	<b>155,158</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
001	PASSENGER CARRYING VEHICLES .....	2,003	2,003
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	9,066	9,066
004	ITEMS LESS THAN \$5 MILLION .....	12,264	12,264
	<b>SPECIAL PURPOSE VEHICLES</b>		
006	ITEMS LESS THAN \$5 MILLION .....	16,789	16,789
	<b>FIRE FIGHTING EQUIPMENT</b>		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	48,590	48,590
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	2,366	2,366
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV & CLEANING EQUIP .....	6,468	6,468
010	ITEMS LESS THAN \$5 MILLION .....	9,271	9,271
	<b>ELECTRONICS PROGRAMS</b>		
016	AIR TRAFFIC CONTROL & LANDING SYS .....	42,650	42,650
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
029	AIR FORCE PHYSICAL SECURITY SYSTEM .....	7,500	7,500
033	C3 COUNTERMEASURES .....	620	620
	<b>ORGANIZATION AND BASE</b>		
052	TACTICAL C-E EQUIPMENT .....	8,100	8,100
	<b>MODIFICATIONS</b>		
056	COMM ELECT MODS .....	3,800	3,800
	<b>BASE SUPPORT EQUIPMENT</b>		
061	ENGINEERING AND EOD EQUIPMENT .....	53,900	53,900
	<b>SPECIAL SUPPORT PROJECTS</b>		
067	DCGS-AF .....	800	800
	<b>CLASSIFIED PROGRAMS</b>		
070A	CLASSIFIED PROGRAMS .....	3,609,978	3,609,978
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>3,834,165</b>	<b>3,834,165</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
007	TELEPORT PROGRAM .....	1,900	1,900
	<b>CLASSIFIED PROGRAMS</b>		
040A	CLASSIFIED PROGRAMS .....	32,482	32,482
	<b>AVIATION PROGRAMS</b>		
041	MC-12 .....	5,000	5,000
043	UNMANNED ISR .....	11,880	11,880
046	U-28 .....	38,283	38,283
	<b>AMMUNITION PROGRAMS</b>		
057	ORDNANCE ITEMS <\$5M .....	52,504	52,504

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
<b>OTHER PROCUREMENT PROGRAMS</b>			
058	INTELLIGENCE SYSTEMS .....	22,000	22,000
060	OTHER ITEMS <\$5M .....	11,580	11,580
062	SPECIAL PROGRAMS .....	13,549	13,549
063	TACTICAL VEHICLES .....	3,200	3,200
069	OPERATIONAL ENHANCEMENTS .....	42,056	22,806
	Classified adjustment .....		[-19,250]
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>234,434</b>	<b>215,184</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>8,614,221</b>	<b>8,704,921</b>

**SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

**SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>ROTARY</b>			
006	AH-64 APACHE BLOCK IIIA REMAN .....	78,040	78,040
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>78,040</b>	<b>78,040</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
004	HELLFIRE SYS SUMMARY .....	150,000	150,000
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
007	JAVELIN (AAWS-M) SYSTEM SUMMARY .....		104,200
	Army unfunded requirement .....		[104,200]
010	GUIDED MLRS ROCKET (GMLRS) .....		76,000
	Army unfunded requirement .....		[76,000]
<b>MODIFICATIONS</b>			
014	ATACMS MODS .....		15,900
	Army unfunded requirement .....		[15,900]
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>150,000</b>	<b>346,100</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>			
<b>SMALL/MEDIUM CAL AMMUNITION</b>			
001	CTG, 5.56MM, ALL TYPES .....		4,000
	Army unfunded requirement .....		[4,000]
002	CTG, 7.62MM, ALL TYPES .....		14,000
	Army unfunded requirement .....		[14,000]
003	CTG, HANDGUN, ALL TYPES .....		9,000
	Army unfunded requirement .....		[9,000]
004	CTG, .50 CAL, ALL TYPES .....		20,000
	Army unfunded requirement .....		[20,000]
005	CTG, 20MM, ALL TYPES .....		14,000
	Army unfunded requirement .....		[14,000]
007	CTG, 30MM, ALL TYPES .....		8,200
	Army unfunded requirement .....		[8,200]
<b>MORTAR AMMUNITION</b>			
011	120MM MORTAR, ALL TYPES .....		30,000
	Army unfunded requirement .....		[30,000]
<b>TANK AMMUNITION</b>			
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....		35,000
	Army unfunded requirement .....		[35,000]
<b>ARTILLERY AMMUNITION</b>			
015	PROJ 155MM EXTENDED RANGE M982 .....		23,500
	Army unfunded requirement .....		[23,500]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....		10,000
	Army unfunded requirement .....		[10,000]
<b>ROCKETS</b>			
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....		30,000
	Army unfunded requirement .....		[30,000]
020	ROCKET, HYDRA 70, ALL TYPES .....		42,500
	Army unfunded requirement .....		[27,500]
	Army unfunded requirement- guided hydra rockets .....		[15,000]
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....		<b>240,200</b>
<b>OTHER PROCUREMENT, ARMY</b>			
<b>TACTICAL VEHICLES</b>			
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	152,000	152,000
<b>GENERATORS</b>			
158	GENERATORS AND ASSOCIATED EQUIP .....	9,900	9,900
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>161,900</b>	<b>161,900</b>
<b>JOINT IMPROVISED-THREAT DEFEAT FUND</b>			
<b>NETWORK ATTACK</b>			
001	RAPID ACQUISITION AND THREAT RESPONSE .....	113,272	113,272

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND</b>	<b>113,272</b>	<b>113,272</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF AIRCRAFT</b>		
035	SH-60 SERIES	3,000	3,000
036	H-1 SERIES	3,740	3,740
051	COMMON ECM EQUIPMENT	27,460	27,460
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b>	<b>34,200</b>	<b>34,200</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK		84,200
	Scope Increase		[84,200]
	<b>TACTICAL MISSILES</b>		
005	SIDEWINDER		33,000
	Navy unfunded requirement		[33,000]
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b>		<b>117,200</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
001	GENERAL PURPOSE BOMBS		58,000
	Navy unfunded requirement—JDAM components		[58,000]
	<b>MARINE CORPS AMMUNITION</b>		
023	ARTILLERY, ALL TYPES		19,200
	Marine Corps unfunded requirement- GMLRS AW munitions		[19,200]
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b>		<b>77,200</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	59,329	59,329
	<b>TOTAL OTHER PROCUREMENT, NAVY</b>	<b>59,329</b>	<b>59,329</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>OTHER AIRCRAFT</b>		
015	MQ-9	179,430	179,430
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b>	<b>179,430</b>	<b>179,430</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
007	SMALL DIAMETER BOMB	167,800	167,800
	<b>CLASS IV</b>		
011	AGM-65D MAVERICK	16,900	16,900
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b>	<b>184,700</b>	<b>184,700</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
001	ROCKETS	60,000	60,000
	<b>BOMBS</b>		
006	JOINT DIRECT ATTACK MUNITION	263,000	263,000
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b>	<b>323,000</b>	<b>323,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
007	TELEPORT PROGRAM	2,000	2,000
016	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b>	<b>4,000</b>	<b>4,000</b>
	<b>TOTAL PROCUREMENT</b>	<b>1,287,871</b>	<b>1,918,571</b>

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381
002	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
004	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>		
005	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
006	0602120.A	SENSORS AND ELECTRONIC SURVIVABILITY .....	36,109	38,109
		Program increase .....		[2,000]
007	0602122.A	TRACTOR HIP .....	6,995	6,995
008	0602211.A	AVIATION TECHNOLOGY .....	65,914	65,914
009	0602270.A	ELECTRONIC WARFARE TECHNOLOGY .....	25,466	25,466
010	0602303.A	MISSILE TECHNOLOGY .....	44,313	44,313
011	0602307.A	ADVANCED WEAPONS TECHNOLOGY .....	28,803	28,803
012	0602308.A	ADVANCED CONCEPTS AND SIMULATION .....	27,688	27,688
013	0602601.A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	67,959	67,959
014	0602618.A	BALLISTICS TECHNOLOGY .....	85,436	85,436
015	0602622.A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	3,923	3,923
016	0602623.A	JOINT SERVICE SMALL ARMS PROGRAM .....	5,545	5,545
017	0602624.A	WEAPONS AND MUNITIONS TECHNOLOGY .....	53,581	53,581
018	0602705.A	ELECTRONICS AND ELECTRONIC DEVICES .....	56,322	56,322
019	0602709.A	NIGHT VISION TECHNOLOGY .....	36,079	36,079
020	0602712.A	COUNTERMINE SYSTEMS .....	26,497	26,497
021	0602716.A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	23,671	23,671
022	0602720.A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	22,151	22,151
023	0602782.A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	37,803	37,803
024	0602783.A	COMPUTER AND SOFTWARE TECHNOLOGY .....	13,811	13,811
025	0602784.A	MILITARY ENGINEERING TECHNOLOGY .....	67,416	67,416
026	0602785.A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	26,045	26,045
027	0602786.A	WARFIGHTER TECHNOLOGY .....	37,403	42,403
		Program Increase .....		[5,000]
028	0602787.A	MEDICAL TECHNOLOGY .....	77,111	77,111
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>907,574</b>	<b>920,074</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001.A	WARFIGHTER ADVANCED TECHNOLOGY .....	38,831	38,831
030	0603002.A	MEDICAL ADVANCED TECHNOLOGY .....	68,365	68,365
031	0603003.A	AVIATION ADVANCED TECHNOLOGY .....	94,280	94,280
032	0603004.A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	68,714	68,714
033	0603005.A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	122,132	152,132
		Emerging requirement .....		[30,000]
034	0603006.A	SPACE APPLICATION ADVANCED TECHNOLOGY .....	3,904	3,904
035	0603007.A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	14,417	14,417
037	0603009.A	TRACTOR HIKE .....	8,074	21,374
		Classified adjustment .....		[13,300]
038	0603015.A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	18,969	18,969
039	0603020.A	TRACTOR ROSE .....	11,910	11,910
040	0603125.A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	27,686	27,686
041	0603130.A	TRACTOR NAIL .....	2,340	2,340
042	0603131.A	TRACTOR EGGS .....	2,470	2,470
043	0603270.A	ELECTRONIC WARFARE TECHNOLOGY .....	27,893	27,893
044	0603313.A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	52,190	52,190
045	0603322.A	TRACTOR CAGE .....	11,107	11,107
046	0603461.A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	177,190	179,190
		Program increase .....		[2,000]
047	0603606.A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	17,451	17,451
048	0603607.A	JOINT SERVICE SMALL ARMS PROGRAM .....	5,839	5,839
049	0603710.A	NIGHT VISION ADVANCED TECHNOLOGY .....	44,468	44,468
050	0603728.A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	11,137	11,137
051	0603734.A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	20,684	20,684
052	0603772.A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	44,239	44,239
053	0603794.A	C3 ADVANCED TECHNOLOGY .....	35,775	35,775
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>930,065</b>	<b>975,365</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
054	0603305.A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	9,433	9,433
055	0603308.A	ARMY SPACE SYSTEMS INTEGRATION .....	23,056	23,056
056	0603619.A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	72,117	72,117
057	0603627.A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	28,244	28,244
058	0603639.A	TANK AND MEDIUM CALIBER AMMUNITION .....	40,096	40,096
059	0603747.A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,506	10,506
060	0603766.A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	15,730	15,730
061	0603774.A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,321	10,321
062	0603779.A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	7,785	7,785
063	0603790.A	NATO RESEARCH AND DEVELOPMENT .....	2,300	2,300
064	0603801.A	AVIATION—ADV DEV .....	10,014	10,014
065	0603804.A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	20,834	20,834
066	0603807.A	MEDICAL SYSTEMS—ADV DEV .....	33,503	33,503
067	0603827.A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	31,120	40,520
		Accelerate small arms improvement .....		[9,400]
068	0604100.A	ANALYSIS OF ALTERNATIVES .....	6,608	6,608
069	0604114.A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR .....	35,132	35,132
070	0604115.A	TECHNOLOGY MATURATION INITIATIVES .....	70,047	61,038
		Excess growth .....		[-9,009]
071	0604120.A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) .....	83,279	83,279
073	0305251.A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT .....	40,510	30,510
		Inadequate justification .....		[-10,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>550,635</b>	<b>541,026</b>

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
074	0604201A	AIRCRAFT AVIONICS .....	83,248	83,248
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	34,642	34,642
077	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	12,172	12,172
078	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	3,958	3,958
079	0604328A	TRACTOR CAGE .....	12,525	12,525
080	0604601A	INFANTRY SUPPORT WEAPONS .....	66,943	66,943
082	0604611A	JAVELIN .....	20,011	20,011
083	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	11,429	11,429
084	0604633A	AIR TRAFFIC CONTROL .....	3,421	3,421
085	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	39,282	39,282
086	0604642A	LIGHT TACTICAL WHEELED VEHICLES .....	494	494
087	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV .....	9,678	9,678
088	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	84,519	84,519
089	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,054	2,054
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	30,774	30,774
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	53,332	61,332
		Program increase- all digital radar technology for CRAM .....		[8,000]
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	17,887	17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	8,813	8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	10,487	10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	15,068	15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	89,716	89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	80,365	80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	75,098	86,198
		Program Increase- next generation signature management .....		[11,100]
099	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
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 DEMVAL .....	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD .....	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	155,584	144,584
		Unjustified growth .....		[-11,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) .....	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C) .....	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC) .....	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN) .....	16,014	16,014
114	0605032A	TRACTOR TIRE .....	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E) .....	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS) .....	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD) .....	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT .....	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER) .....	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM .....	20,663	20,663
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	41,133	41,133
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>2,273,194</b>
<b>RDT&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 RDT&E ACTIVITIES .....	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS .....	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING .....	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER .....	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES .....	51,822	51,822

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
155	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	33,323	33,323
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 RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,136,134</b>	<b>1,136,134</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 PROGRAMS .....	14,517	14,517
165	0607133A	TRACTOR SMOKE .....	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF) .....	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM .....	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM .....	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM .....	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM .....	796	796
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	2,482
		Program reduction .....		[-43,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs) .....	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	316,857	316,857
180	0203740A	MANUEVER 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	27,223
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	18,815	18,815
198	0303150A	WWWCCS/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	32,284
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
210A	9999999999	CLASSIFIED PROGRAMS .....	4,625	4,625
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,296,954</b>	<b>1,253,954</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>7,515,399</b>	<b>7,528,690</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>				
<b>BASIC RESEARCH</b>				
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	101,714	121,714
		Program increase .....		[20,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,508	18,508
003	0601153N	DEFENSE RESEARCH SCIENCES .....	422,748	422,748
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>542,970</b>	<b>562,970</b>
<b>APPLIED RESEARCH</b>				
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	41,371	41,371
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	158,745	158,745
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	51,590	51,590
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,185	41,185
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	45,467	45,467
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	118,941	118,941
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	42,618	72,618
		Service Life Extension Program—AGOR .....		[30,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,327	6,327
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	126,313	126,313
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	165,103	165,103
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	33,916	33,916
015	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS .....	29,575	29,575
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>861,151</b>	<b>891,151</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	96,406	96,406

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	48,438	48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	26,421	26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	140,416	140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	13,117	13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	249,092	247,092
		<i>Capable manpower, and power and energy</i> .....		[-2,000]
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM .....	56,712	56,712
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	4,789	4,789
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	25,880	25,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	60,550	60,550
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	15,167	15,167
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>736,988</b>	<b>734,988</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
027	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	48,536	48,536
028	0603216N	AVIATION SURVIVABILITY .....	5,239	5,239
030	0603251N	AIRCRAFT SYSTEMS .....	1,519	1,519
031	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,041	7,041
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	3,274	3,274
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	57,034	15,496
		<i>Rapid prototype development excess growth</i> .....		[-30,267]
		<i>Unmanned rapid prototype development excess growth</i> .....		[-11,271]
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	165,775	143,548
		<i>Excess prior year funds</i> .....		[-1,500]
		<i>LDUUV product development excess growth</i> .....		[-13,800]
		<i>USV with AQS-20 product development excess growth</i> .....		[-5,750]
		<i>USV with AQS-20 support excess growth</i> .....		[-1,177]
035	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	87,066	87,066
036	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	7,605	7,605
037	0603525N	PILOT FISH .....	132,068	132,068
038	0603527N	RETRACT LARCH .....	14,546	14,546
039	0603536N	RETRACT JUNIPER .....	115,435	115,435
040	0603542N	RADIOLOGICAL CONTROL .....	702	702
041	0603553N	SURFACE ASW .....	1,081	1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	100,565	100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	8,782	8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	14,590	14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	15,805	15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	453,313	453,313
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	36,655	36,655
048	0603576N	CHALK EAGLE .....	367,016	367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS) .....	51,630	51,630
050	0603582N	COMBAT SYSTEM INTEGRATION .....	23,530	23,530
051	0603595N	OHIO REPLACEMENT .....	700,811	700,811
052	0603596N	LCS MISSION MODULES .....	160,058	129,187
		<i>Program Restructure</i> .....		[-30,871]
053	0603597N	AUTOMATED TEST AND ANALYSIS .....		8,000
		<i>Program increase</i> .....		[8,000]
054	0603599N	FRIGATE DEVELOPMENT .....	84,900	84,900
055	0603609N	CONVENTIONAL MUNITIONS .....	8,342	8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES .....	158,682	138,762
		<i>Product development prior year carryover</i> .....		[-19,920]
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	1,303	1,303
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	46,911	46,911
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	4,556	4,556
061	0603721N	ENVIRONMENTAL PROTECTION .....	20,343	20,343
062	0603724N	NAVY ENERGY PROGRAM .....	52,479	52,479
063	0603725N	FACILITIES IMPROVEMENT .....	5,458	5,458
064	0603734N	CHALK CORAL .....	245,860	245,860
065	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,089	3,089
066	0603746N	RETRACT MAPLE .....	323,526	323,526
067	0603748N	LINK PLUMERIA .....	318,497	318,497
068	0603751N	RETRACT ELM .....	52,834	52,834
069	0603764N	LINK EVERGREEN .....	48,116	48,116
070	0603787N	SPECIAL PROCESSES .....	13,619	13,619
071	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,867	9,867
072	0603795N	LAND ATTACK TECHNOLOGY .....	6,015	6,015
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	27,904	27,904
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEMVAL .....	104,144	102,722
		<i>UCLASS test support unjustified request</i> .....		[-1,422]
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	32,700	32,700
076	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80) .....	70,528	70,528
077	0604122N	REMOTE MINEHUNTING SYSTEM (RMS) .....	3,001	3,001
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	34,920	34,920
080	0604292N	MH-XX .....	1,620	1,620
081	0604454N	LX (R) .....	6,354	6,354
082	0604536N	ADVANCED UNDERSEA PROTOTYPING .....	78,589	44,189
		<i>Ahead of need</i> .....		[-34,400]
084	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	9,910	9,910
085	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	23,971	23,971
086	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	252,409	250,371
		<i>Increment II early to need</i> .....		[-2,038]

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087	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
088	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	9,110	9,110
089	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	437	437
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>4,662,867</b>	<b>4,518,451</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
090	0603208N	TRAINING SYSTEM AIRCRAFT .....	19,938	19,938
091	0604212N	OTHER HELO DEVELOPMENT .....	6,268	6,268
092	0604214N	AV-8B AIRCRAFT—ENG DEV .....	33,664	33,664
093	0604215N	STANDARDS DEVELOPMENT .....	1,300	1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	5,275	5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	3,875	3,875
096	0604221N	P-3 MODERNIZATION PROGRAM .....	1,909	1,909
097	0604230N	WARFARE SUPPORT SYSTEM .....	13,237	13,237
098	0604231N	TACTICAL COMMAND SYSTEM .....	36,323	36,323
099	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	157,698
		Hardware development airframe excess growth .....		[-8,474]
		Refueling system development excess growth .....		[-8,251]
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	42,065
		Program growth .....		[-10,000]
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	85,002
		CVN Design .....		[20,000]
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	105,475
		Program Execution .....		[-9,000]
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	114,211	111,211
		Decoy development effort unjustified growth .....		[-3,000]
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	71,977
		Follow-on development excess funds .....		[-2,250]
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY .....	63,387	61,137
		Follow-on development excess funds .....		[-2,250]
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	373,297
		Program delay .....		[-31,513]
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	MQ-XX .....	89,000	77,000
		Excess Obligation .....		[-12,000]
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	152,220
		Program execution .....		[-30,000]

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156	0204202N	DDG-1000 .....	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	676	676
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	4,942
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>6,025,655</b>	<b>5,928,917</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	87,077
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>853,736</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	57,058
		TASW prototypes excess growth .....		[-1,484]
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (GATOR) .....	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	99,998	99,998
205	0205601N	HARM IMPROVEMENT .....	48,635	48,635
206	0205604N	TACTICAL DATA LINKS .....	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	24,583	24,583
208	0205632N	MK-48 ADCAP .....	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS .....	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S) .....	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE .....	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES .....	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC) .....	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY .....	36,509	33,509
		Prior year carryover .....		[-3,000]
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	44,571	44,571
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 (STUASLO) .....	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

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245	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	3,204	3,204
245.A	9999999999	CLASSIFIED PROGRAMS .....	1,228,460	1,228,460
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>3,592,934</b>	<b>3,588,450</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>17,276,301</b>	<b>17,078,663</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	340,812	340,812
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	145,044	145,044
003	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>		
004	0602102F	MATERIALS .....	126,152	131,152
		Precision measuring tools .....		[5,000]
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	122,831	127,831
		Reusable Hypersonic vehicle structures development .....		[5,000]
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	111,647	111,647
007	0602203F	AEROSPACE PROPULSION .....	185,671	190,671
		Program increase .....		[5,000]
008	0602204F	AEROSPACE SENSORS .....	155,174	155,174
009	0602601F	SPACE TECHNOLOGY .....	117,915	117,915
010	0602602F	CONVENTIONAL MUNITIONS .....	109,649	109,649
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	127,163	127,163
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	161,650	161,650
013	0602890F	HIGH ENERGY LASER RESEARCH .....	42,300	42,300
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,260,152</b>	<b>1,275,152</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	35,137	45,137
		Metals Affordability Initiative .....		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	20,636	20,636
016	0603203F	ADVANCED AEROSPACE SENSORS .....	40,945	40,945
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	130,950	130,950
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	94,594	99,594
		Silicon Carbide for aerospace power application .....		[5,000]
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	58,250	58,250
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	61,593	61,593
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	11,681	11,681
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	26,492	26,492
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	102,009	102,009
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	39,064	39,064
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	46,344	46,344
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	58,110	58,110
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>725,805</b>	<b>740,805</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,598	5,598
028	0603438F	SPACE CONTROL TECHNOLOGY .....	7,534	7,534
029	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	24,418	24,418
030	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,333	4,333
032	0603830F	SPACE SECURITY AND DEFENSE PROGRAM .....	32,399	32,399
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	108,663	108,663
035	0604015F	LONG RANGE STRIKE—BOMBER .....	1,358,309	1,358,309
036	0604257F	ADVANCED TECHNOLOGY AND SENSORS .....	34,818	34,818
037	0604317F	TECHNOLOGY TRANSFER .....	3,368	3,368
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	74,308	74,308
039	0604422F	WEATHER SYSTEM FOLLOW-ON .....	118,953	113,953
		Transfer Cloud Characterization and Theater Weather Imagery to NRO .....		[-5,000]
040	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	9,901	9,901
041	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D .....	25,890	25,890
042	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	7,921	18,421
		Program increase .....		[10,500]
043	0604858F	TECH TRANSITION PROGRAM .....	347,304	347,304
044	0605230F	GROUND BASED STRATEGIC DETERRENT .....	113,919	113,919
046	0207110F	NEXT GENERATION AIR DOMINANCE .....	20,595	20,595
047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR) .....	49,491	49,491
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	278,147	278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA) .....	42,338	42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	158,002	158,002
051	0306415F	ENABLED CYBER ACTIVITIES .....	15,842	15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM .....	5,782	5,782
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>2,847,833</b>	<b>2,853,333</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
054	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	12,476	9,176
		Improved GPS .....		[-3,300]
055	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	82,380	82,380
056	0604287F	PHYSICAL SECURITY EQUIPMENT .....	8,458	8,458
057	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	54,838	47,038
		Improved GPS .....		[-7,800]

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058	0604421F	COUNTERSPACE SYSTEMS .....	34,394	34,394
059	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	23,945	23,945
060	0604426F	SPACE FENCE .....	168,364	168,364
061	0604429F	AIRBORNE ELECTRONIC ATTACK .....	9,187	9,187
062	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	181,966	181,966
063	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	20,312	20,312
064	0604604F	SUBUNITIONS .....	2,503	2,503
065	0604617F	AGILE COMBAT SUPPORT .....	53,680	53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION .....	9,901	9,901
067	0604706F	LIFE SUPPORT SYSTEMS .....	7,520	7,520
068	0604735F	COMBAT TRAINING RANGES .....	77,409	77,409
069	0604800F	F-35—EMD .....	450,467	450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD .....	296,572	160,000
		Launch System Development .....		[160,000]
		Next Generation Launch System Investment .....		[-296,572]
070A	0604XXXF	ROCKET PROPULSION SYSTEM .....		220,000
		Rocket Propulsion System Replacement of RD-180 .....		[220,000]
071	0604932F	LONG RANGE STANDOFF WEAPON .....	95,604	95,604
072	0604933F	ICBM FUZE MODERNIZATION .....	189,751	189,751
073	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC) .....	1,131	1,131
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	70,290	70,290
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	937	937
076	0605221F	KC-46 .....	261,724	121,724
		Scope Reduction .....		[-140,000]
077	0605223F	ADVANCED PILOT TRAINING .....	12,377	7,377
		Early to need .....		[-5,000]
078	0605229F	CSAR HH-60 RECAPITALIZATION .....	319,331	304,331
		Forward financing .....		[-15,000]
080	0605431F	ADVANCED EHF MILSATCOM (SPACE) .....	259,131	229,131
		Delayed analysis of alternatives .....		[-30,000]
081	0605432F	POLAR MILSATCOM (SPACE) .....	50,815	50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE) .....	41,632	51,632
		COMSATCOM pilot program .....		[10,000]
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E .....	28,911	28,911
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	315,615	288,915
		Scope Reduction .....		[-26,700]
085	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	137,909	137,909
086	0207171F	F-15 EPAWSS .....	256,669	256,669
087	0207701F	FULL COMBAT MISSION TRAINING .....	12,051	12,051
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR .....	29,253	29,253
089	0307581F	JSTARS RECAP .....	128,019	128,019
090	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR) .....	351,220	351,220
091	0701212F	AUTOMATED TEST SYSTEMS .....	19,062	19,062
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>4,075,804</b>	<b>3,941,432</b>
		<b>MANAGEMENT SUPPORT</b>		
092	0604256F	THREAT SIMULATOR DEVELOPMENT .....	21,630	21,630
093	0604759F	MAJOR T&E INVESTMENT .....	66,385	66,385
094	0605101F	RAND PROJECT AIR FORCE .....	34,641	34,641
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	11,529	11,529
097	0605807F	TEST AND EVALUATION SUPPORT .....	661,417	661,417
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	11,198	11,198
099	0605864F	SPACE TEST PROGRAM (STP) .....	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION .....	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT .....	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS) .....	4,410	4,410
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 CONTROL SEGMENT .....	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE .....	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	42,960	42,960
118	0605278F	HC/MC-130 RECAP RDT&E .....	13,987	13,987
119	0101113F	B-52 SQUADRONS .....	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	453	453
121	0101126F	B-1B SQUADRONS .....	5,830	5,830
122	0101127F	B-2 SQUADRONS .....	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS .....	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS .....	6,042	6,042
128	0102110F	UH-1N REPLACEMENT PROGRAM .....	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES .....	8,674	8,674

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131	0205219F	MQ-9 UAV ..... Auto take-off and landing capability .....	151,373	161,373 [10,000]
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	379,464
		Improved GPS .....		[-8,100]
138	0207142F	F-35 SQUADRONS .....	153,045	147,545
		Follow-on development—excess funds .....		[-5,500]
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	50,823
		Compass Call Program Restructure .....		[37,100]
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	25,343
		Weapon system modification .....		[-12,278]
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	15,911
		Geospatial software development .....		[5,000]
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,515	1,515
157	0207452F	DCAPES .....	14,979	14,979
158	0207590F	SEEK EAGLE .....	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION .....	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS .....	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS .....	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS .....	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS .....	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN) .....	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES) .....	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	13,880	13,880
176	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T) .....	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE .....	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE .....	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	15,624	15,624
189	0305111F	WEATHER SERVICE .....	19,974	22,974
		Commercial Weather Pilot Program .....		[3,000]
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	9,770	9,770
191	0305116F	AERIAL TARGETS .....	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT .....	3,070	3,070
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	18,841
		Wide area motion imagery .....		[15,000]
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

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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	10,581
242A	9999999999	CLASSIFIED PROGRAMS .....	13,091,557	13,091,557
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>17,457,056</b>	<b>17,501,278</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>28,112,251</b>	<b>28,057,601</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	35,436	35,436
002	0601101E	DEFENSE RESEARCH SCIENCES .....	362,297	362,297
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	36,654	36,654
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	57,791	57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	69,345	79,345
		K-12 STEM program increase .....		[10,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS .....	23,572	33,572
		Program increase .....		[10,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	44,800	44,800
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>629,895</b>	<b>649,895</b>
		<b>APPLIED RESEARCH</b>		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	17,745	17,745
009	0602115E	BIOMEDICAL TECHNOLOGY .....	115,213	115,213
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION .....	30,000	0
		Program decrease .....		[-30,000]
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	48,269	48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES .....	42,206	42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	353,635	353,635
014	0602383E	BIOLOGICAL WARFARE DEFENSE .....	21,250	21,250
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	188,715	188,715
016	0602668D8Z	CYBER SECURITY RESEARCH .....	12,183	12,183
017	0602702E	TACTICAL TECHNOLOGY .....	313,843	313,843
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	220,456	214,456
		Program reduction .....		[-6,000]
019	0602716E	ELECTRONICS TECHNOLOGY .....	221,911	221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	154,857	154,857
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH .....	8,420	8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT .....	37,820	37,820
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,786,523</b>	<b>1,750,523</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	23,902	23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	73,002	73,002
026	0603133D8Z	FOREIGN COMPARATIVE TESTING .....	19,343	29,343
		Anti-tunnel defense systems .....		[10,000]
027	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	266,444	266,444
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT .....	17,880	17,880
030	0603178C	WEAPONS TECHNOLOGY .....	71,843	71,843
031	0603179C	ADVANCED CAISR .....	3,626	3,626
032	0603180C	ADVANCED RESEARCH .....	23,433	23,433
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	17,256	17,256
035	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	83,745	11,795
		Program reduction .....		[-71,950]
036	0603286E	ADVANCED AEROSPACE SYSTEMS .....	182,327	182,327
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	175,240	165,240
		Program reduction .....		[-10,000]
038	0603288D8Z	ANALYTIC ASSESSMENTS .....	12,048	12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS .....	57,020	57,020
041	0603375D8Z	TECHNOLOGY INNOVATION .....	39,923	19,923
		Program decrease .....		[-20,000]
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	127,941	127,941
043	0603527D8Z	RETRACT LARCH .....	181,977	181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	22,030	22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	148,184	132,184
		Program decrease .....		[-16,000]
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	9,331	9,331
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	158,398	158,398
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM .....	31,259	31,259
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	49,895	49,895
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	11,011	11,011
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,078	65,078

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	97,826	97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	7,848	5,348
		<i>Prior year carryover</i> .....		[-2,500]
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	49,807	49,807
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	155,081	155,081
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	428,894	428,894
058	0603767E	SENSOR TECHNOLOGY .....	241,288	241,288
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	14,264	14,264
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	74,943	72,943
		QRSP .....		[-2,000]
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY .....	17,659	17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	87,135	87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	37,329	41,329
		<i>Competitive technology investment</i> .....		[4,000]
066	0303310D8Z	CWMD SYSTEMS .....	44,836	21,236
		<i>Constellation program reduction</i> .....		[-23,600]
067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT .....	61,620	61,620
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>3,190,666</b>	<b>3,058,616</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
		<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	28,498	28,498
069	0603600D8Z	WALKOFF .....	89,643	89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES .....	2,136	2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	52,491	52,491
073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	206,834	206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	862,080	862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	138,187	138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	230,077	230,077
077	0603890C	BMD ENABLING PROGRAMS .....	401,594	401,594
078	0603891C	SPECIAL PROGRAMS—MDA .....	321,607	304,707
		<i>Program reduction</i> .....		[-16,900]
079	0603892C	AEGIS BMD .....	959,066	939,066
		SM-3 IIA development excess growth .....		[-20,000]
080	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	32,129	32,129
081	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	20,690	20,690
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI. ....	439,617	443,517
		<i>Post Intercept Assessment Acceleration</i> .....		[3,900]
083	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	47,776	47,776
084	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	54,750	54,750
085	0603906C	REGARDING TRENCH .....	8,785	8,785
086	0603907C	SEA BASED X-BAND RADAR (SBX) .....	68,787	68,787
087	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	103,835	268,735
		<i>Increase for Cooperative Development Programs subject to Title XVI</i> .....		[164,900]
088	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	293,441	293,441
089	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	563,576	563,576
090	0603920D8Z	HUMANITARIAN DEMINING .....	10,007	10,007
091	0603923D8Z	COALITION WARFARE .....	10,126	10,126
092	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,893	8,893
		<i>Corrosion prevention</i> .....		[5,000]
093	0604115C	TECHNOLOGY MATURATION INITIATIVES .....	90,266	90,266
094	0604132D8Z	MISSILE DEFEAT PROJECT .....	45,000	45,000
095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES .....	844,870	829,870
		SCO .....		[-15,000]
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT .....	3,320	3,320
099	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	274,148
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST .....	63,444	63,444
107	0604878C	AEGIS BMD TEST .....	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST .....	83,250	83,250
109	0604880C	LAND-BASED SM-3 (LBSM3) .....	43,293	43,293
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST .....	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE .....	71,513	71,513
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>7,041,419</b>
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON .....		5,000
		<i>Transfer Cloud Characterization and Theater Weather Imagery from USAF</i> .....		[5,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>0</b>	<b>5,000</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

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM .....	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS) .....	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY .....	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....	2,703	2,703
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION .....</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 DEVELOPMENT (CTEIP) .....	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	28,706	28,706
138	0605001E	MISSION SUPPORT .....	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	87,080	67,080
		Prior year carryover and minimize growth .....		[-20,000]
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING .....	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	3,797	3,797
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	23,541
		Program increase .....		[4,000]
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	13,523
		Program decrease .....		[-5,000]
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
180A	9999999999	CLASSIFIED PROGRAMS .....	56,799	56,799
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>897,599</b>	<b>876,599</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	161,068
		SHARKSEER Program Increase .....		[2,000]
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	4,204
		Program decrease .....		[-2,000]
221	0305199D8Z	NET CENTRICITY .....	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	5,415	5,415

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Line	Program Element	Item	FY 2017 Request	Conference Authorized
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	17,804
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
253A	9999999999	CLASSIFIED PROGRAMS .....	3,270,515	3,270,515
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT .....</b>	<b>4,256,406</b>	<b>4,256,406</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>18,308,826</b>	<b>18,266,676</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE MANAGEMENT SUPPORT</b>		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	78,047	78,047
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	48,316	48,316
003	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>TOTAL RDT&amp;E .....</b>	<b>71,391,771</b>	<b>71,110,624</b>

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
055	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>		
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	78,700	78,700
114	0605032A	TRACTOR TIRE .....	10,000	10,000
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	10,900	10,900
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT .....	50,500	50,500
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	73,110	73,110
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>223,210</b>	<b>223,210</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>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>239,689</b>	<b>239,689</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
038	0603527N	RETRACT LARCH .....	3,907	3,907
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>3,907</b>	<b>3,907</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
245A	9999999999	CLASSIFIED PROGRAMS .....	36,426	36,426
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>36,426</b>	<b>36,426</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>40,333</b>	<b>40,333</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
058	0604421F	COUNTERSPACE SYSTEMS .....	425	425
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>425</b>	<b>425</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT .....	4,715	4,715
242A	9999999999	CLASSIFIED PROGRAMS .....	27,765	27,765
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</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>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
<b>OPERATIONAL SYSTEM DEVELOPMENT</b>				
253A	9999999999	CLASSIFIED PROGRAMS .....	165,419	165,419
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT .....</b>	<b>165,419</b>	<b>165,419</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>165,419</b>	<b>165,419</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>478,346</b>	<b>478,346</b>

**SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

**SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Conference Authorized
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	33	33
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>33</b>	<b>33</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>33</b>	<b>33</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	37,990	37,990
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>37,990</b>	<b>37,990</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>37,990</b>	<b>37,990</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>38,023</b>	<b>38,023</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference 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	1,461,097
	Eleventh CAB .....		[32,500]
	Flying hour program unfunded requirement .....		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT .....	3,086,443	3,086,443
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	7,838,443
	Eleventh CAB Support .....		[22,100]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	2,234,546	2,319,946
	Restore Sustainment shortfalls .....		[85,400]
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	441,143
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>19,822,607</b>	<b>20,100,007</b>
<b>MOBILIZATION</b>			
180	STRATEGIC MOBILITY .....	336,329	336,329
190	ARMY PREPOSITIONED STOCKS .....	390,848	415,848
	Program increase .....		[25,000]
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

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Line	Item	FY 2017 Request	Conference Authorized
250	SPECIALIZED SKILL TRAINING .....	921,025	927,525
	Defense Foreign Language Program .....		[6,500]
260	FLIGHT TRAINING .....	902,845	945,779
	Graduate pilot training unfunded requirement .....		[5,405]
	School Air OPTEMPO unfunded requirement .....		[31,125]
	Train full ARPINT load of 990 .....		[6,404]
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	216,583	248,183
	Military Training and PME .....		[31,600]
280	TRAINING SUPPORT .....	607,534	607,534
290	RECRUITING AND ADVERTISING .....	550,599	525,599
	Unjustified program growth .....		[-25,000]
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>4,693,395</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	230,739	295,739
	Restore critical shortfalls .....		[65,000]
360	CENTRAL SUPPLY ACTIVITIES .....	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES .....	778,757	778,757
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	1,096,074
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
530	CLASSIFIED PROGRAMS .....	1,151,023	1,151,023
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>8,614,494</b>	<b>8,679,494</b>
	<b>UNDISTRIBUTED</b>		
540	UNDISTRIBUTED .....		-400,200
	Excessive standard price for fuel .....		[-56,100]
	Foreign Currency adjustments .....		[-194,100]
	Working Capital Fund Carryover Above Allowable Ceiling .....		[-150,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-400,200</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>33,809,040</b>	<b>33,832,274</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
010	MODULAR SUPPORT BRIGADES .....	11,435	11,435
020	ECHELONS ABOVE BRIGADE .....	491,772	511,772
	Home station training unfunded requirement .....		[20,000]
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	347,659
	Defense Language Program .....		[200]
070	LAND FORCES SYSTEMS READINESS .....	101,926	101,926
080	LAND FORCES DEPOT MAINTENANCE .....	56,219	56,219
090	BASE OPERATIONS SUPPORT .....	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	214,955	223,055
	Restore Sustainment shortfalls .....		[8,100]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	37,620	37,620
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,606,078</b>	<b>2,634,378</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>UNDISTRIBUTED</b>		
180	UNDISTRIBUTED .....		-6,800
	Excessive standard price for fuel .....		[-6,800]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-6,800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>2,712,331</b>	<b>2,733,831</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	708,251	758,251
	Home station training unfunded requirement .....		[50,000]

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Line	Item	FY 2017 Request	Conference Authorized
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	37,138
060	AVIATION ASSETS .....	887,625	884,825
	Unjustified program growth .....		[-2,800]
070	FORCE READINESS OPERATIONS SUPPORT .....	696,267	690,152
	Defense Language Program .....		[200]
	Unjustified program growth .....		[-6,315]
080	LAND FORCES SYSTEMS READINESS .....	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE .....	219,948	219,948
100	BASE OPERATIONS SUPPORT .....	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	676,715	691,115
	Restore Sustainment shortfalls .....		[14,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	1,021,144	1,021,144
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,418,203</b>	<b>6,473,688</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	6,396	6,396
140	ADMINISTRATION .....	68,528	69,678
	State Partnership Program .....		[1,150]
150	SERVICEWIDE COMMUNICATIONS .....	76,524	76,524
160	MANPOWER MANAGEMENT .....	7,712	7,712
170	OTHER PERSONNEL SUPPORT .....	245,046	245,046
180	REAL ESTATE MANAGEMENT .....	2,961	2,961
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>407,167</b>	<b>408,317</b>
	<b>UNDISTRIBUTED</b>		
190	UNDISTRIBUTED .....		-29,000
	Excessive standard price for fuel .....		[-29,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-29,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>6,825,370</b>	<b>6,853,005</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
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	453,233
	Marine Corps unfunded requirement—accelerate readiness - H-1 .....		[5,300]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....		[1,200]
060	AIRCRAFT DEPOT MAINTENANCE .....	1,007,681	1,071,681
	AC Depot maintenance unfunded requirement .....		[34,000]
	Navy unfunded requirement—Improve Afloat Readiness .....		[30,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	38,248	38,248
080	AVIATION LOGISTICS .....	564,720	598,220
	E-6B and F-35 sustainment unfunded requirement .....		[16,000]
	Marine Corps unfunded requirement—accelerate readiness - KC-130J .....		[6,800]
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....		[10,700]
090	MISSION AND OTHER SHIP OPERATIONS .....	3,513,083	3,861,283
	Cruiser Modernization .....		[90,200]
	Navy unfunded requirement—Improve Afloat Readiness .....		[158,000]
	Navy unfunded requirement—Restore 3 CG Deployments .....		[41,000]
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation .....		[59,000]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	743,765	763,465
	Navy unfunded requirement—Restore Fleet Training .....		[19,700]
110	SHIP DEPOT MAINTENANCE .....	5,168,273	5,486,873
	Cruiser Modernization .....		[71,100]
	Navy unfunded requirement—Ship Depot Wholeness .....		[238,000]
	Program increase .....		[9,500]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,575,578	1,654,578
	Navy unfunded requirement—Increase Afloat Readiness .....		[79,000]
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	790,685
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,642,742	1,697,842
	Restore Sustainment shortfalls .....		[55,100]

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Line	Item	FY 2017 Request	Conference Authorized
300	BASE OPERATING SUPPORT .....	4,206,136	4,206,136
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>31,173,511</b>	<b>32,098,111</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	285,927
540	SERVICEWIDE COMMUNICATIONS .....	319,908	319,908
570	SERVICEWIDE TRANSPORTATION .....	171,659	171,659
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
730	CLASSIFIED PROGRAMS .....	517,440	517,440
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,851,976</b>	<b>4,851,976</b>
	<b>UNDISTRIBUTED</b>		
740	UNDISTRIBUTED .....		-416,900
	Excessive standard price for fuel .....		[-390,500]
	Foreign Currency adjustments .....		[-26,400]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-416,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>39,483,581</b>	<b>39,991,281</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	674,613	760,313
	Enterprise network defense unfunded requirement .....		[5,700]
	Exercise program unfunded requirement .....		[58,000]
	Marine Corps unfunded requirement- enhanced combat helmets .....		[22,000]
020	FIELD LOGISTICS .....	947,424	983,674
	Critical/ no fail EOD unfunded requirement .....		[600]
	Marine Corps unfunded requirement- rifle combat optic modernization .....		[13,200]
	Marine Corps unfunded requirement- SPMAGTF-C4 UUNS .....		[8,250]
	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	694,673
	Facility demolition unfunded requirement .....		[39,200]
	Restore Sustainment shortfalls .....		[22,800]
060	BASE OPERATING SUPPORT .....	2,136,626	2,136,626
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,683,395</b>	<b>4,875,145</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

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	<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>		
210	UNDISTRIBUTED		-6,400
	Excessive standard price for fuel		[-4,900]
	Foreign Currency adjustments		[-1,500]
	<b>SUBTOTAL UNDISTRIBUTED</b>		<b>-6,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b>	<b>5,954,258</b>	<b>6,139,608</b>
	<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	90,209
	Navy unfunded requirement—Improve Afloat Readiness		[4,000]
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	860
	Navy unfunded requirement—Restore Fleet Training		[300]
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	28,671
	Restore Sustainment shortfalls		[1,100]
140	BASE OPERATING SUPPORT	99,166	99,166
	<b>SUBTOTAL OPERATING FORCES</b>	<b>906,440</b>	<b>911,840</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>UNDISTRIBUTED</b>		
200	UNDISTRIBUTED		-26,600
	Excessive standard price for fuel		[-26,600]
	<b>SUBTOTAL UNDISTRIBUTED</b>		<b>-26,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b>	<b>927,656</b>	<b>906,456</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	26,170
	Restore Sustainment shortfalls		[700]
040	BASE OPERATING SUPPORT	111,550	111,550
	<b>SUBTOTAL OPERATING FORCES</b>	<b>249,768</b>	<b>250,468</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>UNDISTRIBUTED</b>		
090	UNDISTRIBUTED		-800
	Excessive standard price for fuel		[-800]
	<b>SUBTOTAL UNDISTRIBUTED</b>		<b>-800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b>	<b>270,633</b>	<b>270,533</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	7,156,064
	Compass Call Program Restructure		[-56,500]
	Weapon system sustainment unfunded requirement		[169,576]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,710,019
	Restore Sustainment shortfalls		[53,000]

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
060	BASE SUPPORT .....	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING .....	887,831	927,831
	Air Force unfunded requirement—Ground Based Radars .....		[40,000]
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
135	CLASSIFIED PROGRAMS .....	930,757	930,757
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>22,760,163</b>	<b>22,969,039</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	1,619,863
	Weapon system sustainment unfunded requirement .....		[66,424]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	258,328	266,628
	Restore Sustainment shortfalls .....		[8,300]
180	BASE SUPPORT .....	722,756	722,756
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>4,376,481</b>	<b>4,451,205</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 & MODERNIZATION .....	236,254	243,854
	Restore Sustainment shortfalls .....		[7,600]
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	104,754
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>3,580,606</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 & MODERNIZATION .....	321,013	331,313
	Restore Sustainment shortfalls .....		[10,300]
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	28,535
	Civil Air Patrol O&M Support .....		[2,800]
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>6,821,506</b>
	<b>UNDISTRIBUTED</b>		
470	UNDISTRIBUTED .....		-484,700
	Excessive standard price for fuel .....		[-368,000]
	Foreign Currency adjustments .....		[-116,700]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-484,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>37,518,056</b>	<b>37,337,656</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	230,016
030	DEPOT MAINTENANCE .....	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	113,470	116,170
	Restore Sustainment shortfalls .....		[2,700]
050	BASE SUPPORT .....	384,832	384,832
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,977,943</b>	<b>2,980,643</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</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
100	AUDIOVISUAL .....	376	376
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>89,986</b>	<b>89,986</b>

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>UNDISTRIBUTED</b>		
110	UNDISTRIBUTED .....		-59,700
	Excessive standard price for fuel .....		[-59,700]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-59,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>3,067,929</b>	<b>3,010,929</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	3,282,238	3,278,238
	Unjustified growth .....		[-4,000]
020	MISSION SUPPORT OPERATIONS .....	723,062	723,062
030	DEPOT MAINTENANCE .....	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement .....		[3,200]
	Weapon system sustainment unfunded requirement .....		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	245,840	254,940
	Restore Sustainment shortfalls .....		[9,100]
050	BASE SUPPORT .....	575,548	575,548
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,651,017</b>	<b>6,699,317</b>
	<b>ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</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>UNDISTRIBUTED</b>		
080	UNDISTRIBUTED .....		-117,700
	Excessive standard price for fuel .....		[-117,700]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-117,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>6,703,578</b>	<b>6,634,178</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>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	4,889,359
	Unjustified growth in total civilian compensation .....		[-8,800]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,928,711</b>	<b>5,919,911</b>
	<b>TRAINING AND RECRUITING</b>		
040	DEFENSE ACQUISITION UNIVERSITY .....	138,658	138,658
050	JOINT CHIEFS OF STAFF .....	85,701	85,701
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING .....	365,349	365,349
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>589,708</b>	<b>589,708</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>		
080	CIVIL MILITARY PROGRAMS .....	160,480	195,819
	National Guard Youth Challenge Program .....		[10,339]
	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	621,754
	Transfer from Drug Interdiction and Counter-Drug Activities .....		[125,000]
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	136,199
	Guam public health lab .....		[-19,200]
300	OFFICE OF THE SECRETARY OF DEFENSE .....	1,481,643	1,487,293
	BRAC 2017 Round Planning and Analyses .....		[-3,530]
	CWMD Sustainment: Constellation program reduction .....		[-3,800]
	DOD rewards early to need .....		[-1,000]
	Intelligence Management—program reduction .....		[-1,000]
	Reediness environmental protection initiative .....		[14,980]
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	14,069,333
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b> .....	<b>26,053,171</b>	<b>26,224,160</b>
	<b>UNDISTRIBUTED</b>		

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
340	UNDISTRIBUTED .....		-47,100
	Excessive standard price for fuel .....		[-17,800]
	Foreign Currency adjustments .....		[-34,300]
	Temporary Duty Assignment Per Diem Rate Waiver .....		[5,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-47,100</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>32,571,590</b>	<b>32,686,679</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	14,194	14,194
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	105,125	105,125
030	COOPERATIVE THREAT REDUCTION .....	325,604	325,604
050	ENVIRONMENTAL RESTORATION, ARMY .....	170,167	170,167
060	ENVIRONMENTAL RESTORATION, NAVY .....	281,762	281,762
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	371,521	371,521
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	9,009	9,009
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	197,084	197,084
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,474,466</b>	<b>1,474,466</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,474,466</b>	<b>1,474,466</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>171,318,488</b>	<b>171,870,896</b>

SEC. 4302. OPERATION AND MAINTENANCE FOR  
OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	427,063	416,263
	Army requested realignment (ERI) .....		[-10,800]
040	THEATER LEVEL ASSETS .....	1,834,423	1,834,423
050	LAND FORCES OPERATIONS SUPPORT .....	558,086	426,086
	Army requested realignment (ERI) .....		[-132,000]
060	AVIATION ASSETS .....	58,620	58,620
070	FORCE READINESS OPERATIONS SUPPORT .....	1,552,468	1,550,468
	Army requested realignment (ERI) .....		[-2,000]
080	LAND FORCES SYSTEMS READINESS .....	476,853	476,853
100	BASE OPERATIONS SUPPORT .....	45,749	45,749
140	ADDITIONAL ACTIVITIES .....	8,234,566	8,234,566
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	5,000	5,000
160	RESET .....	1,100,722	1,100,722
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT .....	79,568	79,568
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>14,373,118</b>	<b>14,228,318</b>
	<b>MOBILIZATION</b>		
190	ARMY PREPOSITIONED STOCKS .....	350,200	130,000
	Army requested realignment (ERI) .....		[-220,200]
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>350,200</b>	<b>130,000</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	720,399	840,399
	Army requested realignment (ERI) .....		[120,000]
380	AMMUNITION MANAGEMENT .....	13,974	13,974
420	OTHER PERSONNEL SUPPORT .....	105,508	105,508
450	REAL ESTATE MANAGEMENT .....	185,904	185,904
530	CLASSIFIED PROGRAMS .....	909,278	909,278
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>1,935,063</b>	<b>2,055,063</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>16,658,381</b>	<b>16,413,381</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
020	ECHELONS ABOVE BRIGADE .....	6,252	6,252
040	LAND FORCES OPERATIONS SUPPORT .....	2,075	2,075
060	FORCE READINESS OPERATIONS SUPPORT .....	1,140	1,140
090	BASE OPERATIONS SUPPORT .....	14,653	14,653
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>24,120</b>	<b>24,120</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>24,120</b>	<b>24,120</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	10,564	10,564
020	MODULAR SUPPORT BRIGADES .....	748	748

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
030	ECHELONS ABOVE BRIGADE .....	5,751	5,751
040	THEATER LEVEL ASSETS .....	200	200
060	AVIATION ASSETS .....	27,183	27,183
070	FORCE READINESS OPERATIONS SUPPORT .....	2,741	2,741
100	BASE OPERATIONS SUPPORT .....	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	920	920
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>66,907</b>	<b>66,907</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>66,907</b>	<b>66,907</b>
	<b>AFGHANISTAN SECURITY FORCES FUND</b>		
	<b>MINISTRY OF DEFENSE</b>		
010	SUSTAINMENT .....	2,173,341	2,173,341
020	INFRASTRUCTURE .....	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION .....	821,716	821,716
040	TRAINING AND OPERATIONS .....	289,139	289,139
	<b>SUBTOTAL MINISTRY OF DEFENSE .....</b>	<b>3,332,458</b>	<b>3,332,458</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>4,263,215</b>	<b>4,263,215</b>
	<b>IRAQ TRAIN AND EQUIP FUND</b>		
	<b>IRAQ TRAIN AND EQUIP FUND</b>		
010	IRAQ TRAIN AND EQUIP FUND .....	919,500	0
	Transfer to Counter-ISIL Fund .....		[-919,500]
	<b>SUBTOTAL IRAQ TRAIN AND EQUIP FUND .....</b>	<b>919,500</b>	<b>0</b>
	<b>TOTAL IRAQ TRAIN AND EQUIP FUND .....</b>	<b>919,500</b>	<b>0</b>
	<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-ISIL Fund .....		[-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>COUNTER-ISIL FUND</b>		
	<b>COUNTER-ISIL FUND</b>		
010	COUNTER-ISIL FUND .....		1,169,500
	Transfer from Iraq Train and Equip .....		[919,500]
	Transfer from Syria Train and Equip .....		[250,000]
	<b>SUBTOTAL COUNTER-ISIL FUND .....</b>		<b>1,169,500</b>
	<b>TOTAL COUNTER-ISIL FUND .....</b>		<b>1,169,500</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	427,452	427,452
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 .....	2,128,431	2,128,431
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 .....	575,305	575,305
190	EQUIPMENT MAINTENANCE .....	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	61,000	61,000
260	WEAPONS MAINTENANCE .....	309,045	309,045
270	OTHER WEAPON SYSTEMS SUPPORT .....	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	7,819	7,819
300	BASE OPERATING SUPPORT .....	61,493	61,493
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,062,098</b>	<b>5,062,098</b>
	<b>MOBILIZATION</b>		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	6,713	6,713
370	COAST GUARD SUPPORT .....	162,692	162,692
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>170,935</b>	<b>170,935</b>
	<b>TRAINING AND RECRUITING</b>		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
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
570	SERVICEWIDE TRANSPORTATION .....	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT .....	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE .....	1,501	1,501
730	CLASSIFIED PROGRAMS .....	16,280	16,280
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>165,008</b>	<b>165,008</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>5,441,406</b>	<b>5,441,406</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	571,935	571,935
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>1,003,605</b>	<b>1,003,605</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
200	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>1,112,805</b>	<b>1,112,805</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>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</b>		
	<b>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 RESERVE .....</b>	<b>3,304</b>	<b>3,304</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	1,852,159	1,890,159
	Enhancing readiness levels of DCA aircraft .....		[10,000]
	ERI nuclear readiness .....		[28,000]
020	COMBAT ENHANCEMENT FORCES .....	1,127,319	1,127,319
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	152,278	152,278
040	DEPOT MAINTENANCE .....	1,061,506	1,087,106
	Compass Call Program Restructure .....		[25,600]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	56,700	56,700
060	BASE SUPPORT .....	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING .....	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS .....	213,696	218,696
	Promoting additional DCA burden sharing .....		[5,000]
100	LAUNCH FACILITIES .....	869	869
110	SPACE CONTROL SYSTEMS .....	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	100,081	100,081
135	CLASSIFIED PROGRAMS .....	79,893	79,893
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,621,442</b>	<b>5,690,042</b>
	<b>MOBILIZATION</b>		
140	AIRLIFT OPERATIONS .....	2,606,729	2,606,729
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>3,609,680</b>	<b>3,609,680</b>
	<b>TRAINING AND RECRUITING</b>		
230	BASE SUPPORT .....	52,740	52,740
240	SPECIALIZED SKILL TRAINING .....	4,500	4,500

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<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	116,825
	Program reduction		[-25,058]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,823	15,823
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b>	<b>468,964</b>	<b>443,906</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b>	<b>9,757,326</b>	<b>9,800,868</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500
	<b>SUBTOTAL OPERATING FORCES</b>	<b>57,586</b>	<b>57,586</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</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 &amp; MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF		10,000
	Enhancing exercise of DCA aircraft		[10,000]
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,853,363	2,853,363
	<b>SUBTOTAL OPERATING FORCES</b>	<b>2,853,363</b>	<b>2,863,363</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	34,299	34,299
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	2,162,000
	Transfer from Counterterrorism Partnership Fund		[750,000]
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	1,803,880	1,803,880
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>	<b>3,503,725</b>	<b>4,253,725</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>	<b>6,357,088</b>	<b>7,117,088</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b>	<b>44,957,903</b>	<b>45,516,445</b>

**SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

**SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>		
010	MANEUVER UNITS	317,093	317,093
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	8,361	8,361
050	LAND FORCES OPERATIONS SUPPORT	279,072	279,072
060	AVIATION ASSETS	106,424	106,424
070	FORCE READINESS OPERATIONS SUPPORT	253,533	253,533
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		113,800
	Increase Restoration & Modernization funding		[113,800]
140	ADDITIONAL ACTIVITIES	11,200	11,200
	<b>SUBTOTAL OPERATING FORCES</b>	<b>1,370,201</b>	<b>1,484,001</b>
	<b>TRAINING AND RECRUITING</b>		

**SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2017 Request</i>	<i>Conference Authorized</i>
250	SPECIALIZED SKILL TRAINING .....	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	9,021	9,021
280	TRAINING SUPPORT .....	2,434	2,434
290	RECRUITING AND ADVERTISING .....		284,800
	<i>Recruiting and Advertising Add</i> .....		[284,800]
320	CIVILIAN EDUCATION AND TRAINING .....	1,254	1,254
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>16,274</b>	<b>301,074</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	200,000	200,000
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>200,000</b>	<b>200,000</b>
	<b>UNDISTRIBUTED</b>		
540	UNDISTRIBUTED .....		563,400
	<i>Additional funding to support increase in Army end strength</i> .....		[563,400]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>563,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>1,586,475</b>	<b>2,548,475</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
010	MODULAR SUPPORT BRIGADES .....	708	708
020	ECHELONS ABOVE BRIGADE .....	8,570	8,570
030	THEATER LEVEL ASSETS .....	375	375
040	LAND FORCES OPERATIONS SUPPORT .....	13	13
050	AVIATION ASSETS .....	608	608
060	FORCE READINESS OPERATIONS SUPPORT .....	4,285	4,285
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		13,100
	<i>Increase Restoration &amp; Modernization funding</i> .....		[13,100]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>14,559</b>	<b>27,659</b>
	<b>UNDISTRIBUTED</b>		
180	UNDISTRIBUTED .....		82,700
	<i>Additional funding to support increase in Army Reserve end strength</i> .....		[82,700]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>82,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>14,559</b>	<b>110,359</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	5,585	5,585
030	ECHELONS ABOVE BRIGADE .....	28,956	28,956
040	THEATER LEVEL ASSETS .....	10,272	10,272
060	AVIATION ASSETS .....	5,621	5,621
070	FORCE READINESS OPERATIONS SUPPORT .....	9,694	9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		1,500
	<i>Increase Restoration &amp; Modernization funding</i> .....		[1,500]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>60,128</b>	<b>61,628</b>
	<b>UNDISTRIBUTED</b>		
190	UNDISTRIBUTED .....		127,300
	<i>Additional funding to support increase in Army National Guard end strength</i> .....		[127,300]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>127,300</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>60,128</b>	<b>188,928</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	500,000	500,000
110	SHIP DEPOT MAINTENANCE .....	775,000	775,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	19,270	45,370
	<i>Increase Restoration &amp; Modernization funding</i> .....		[26,100]
300	BASE OPERATING SUPPORT .....	158,032	158,032
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,452,302</b>	<b>1,478,402</b>
	<b>MOBILIZATION</b>		
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	3,597	3,597
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>3,597</b>	<b>3,597</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
540	SERVICEWIDE COMMUNICATIONS .....	25,617	25,617
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>25,617</b>	<b>25,617</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>1,481,516</b>	<b>1,507,616</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	300,000	300,000
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....		7,200
	<i>Increase Restoration &amp; Modernization funding</i> .....		[7,200]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>300,000</b>	<b>307,200</b>

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Conference Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>300,000</b>	<b>307,200</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....		500
	Increase Restoration & Modernization funding .....		[500]
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....		<b>500</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....		1,000
	Increase Restoration & Modernization funding .....		[1,000]
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>1,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b> .....		<b>1,000</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
040	DEPOT MAINTENANCE .....	124,000	124,000
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		32,900
	Increase Restoration & Modernization funding .....		[32,900]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>124,000</b>	<b>156,900</b>
	<b>MOBILIZATION</b>		
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		5,100
	Increase Restoration & Modernization funding .....		[5,100]
	<b>SUBTOTAL MOBILIZATION</b> .....		<b>5,100</b>
	<b>TRAINING AND RECRUITING</b>		
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		4,700
	Increase Restoration & Modernization funding .....		[4,700]
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....		<b>4,700</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		6,400
	Increase Restoration & Modernization funding .....		[6,400]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....		<b>6,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>124,000</b>	<b>173,100</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>		
	<b>OPERATING FORCES</b>		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		1,600
	Increase Restoration & Modernization funding .....		[1,600]
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>1,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....		<b>1,600</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		4,300
	Increase Restoration & Modernization funding .....		[4,300]
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>4,300</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....		<b>4,300</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES .....	14,344	14,344
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>14,344</b>	<b>14,344</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>		
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	14,700	14,700
330	CLASSIFIED PROGRAMS .....	9,000	9,000
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b> .....	<b>23,700</b>	<b>23,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>38,044</b>	<b>38,044</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>3,604,722</b>	<b>4,881,122</b>

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

**SEC. 4401. MILITARY PERSONNEL**  
*(In Thousands of Dollars)*

<i>Item</i>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
<b>Military Personnel Appropriations</b> .....	<b>128,902,332</b>	<b>128,202,564</b>
Military Personnel Pay Raise .....		[330,000]
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus .....		[49,000]
Foreign currency adjustments .....		[-200,400]
Historical unobligated balances .....		[-880,050]
National Guard State Partnership Program, Army, Special Training .....		[841]
National Guard State Partnership Program, Air Force, Special Training .....		[841]
<b>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>134,569,472</b>

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Item</i>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
<b>Military Personnel Appropriations</b> .....	<b>3,644,161</b>	<b>3,644,161</b>
<b>Total, Military Personnel Appropriations</b> .....	<b>3,644,161</b>	<b>3,644,161</b>

**SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

**SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS**  
*(In Thousands of Dollars)*

<i>Item</i>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
<b>Military Personnel Appropriations</b> .....	<b>62,965</b>	<b>1,350,465</b>
Fund Active Army End Strength to 476k .....		[719,000]
Fund Army National Guard End Strength to 343k .....		[129,600]
Fund Army Reserves End Strength to 199k .....		[53,300]
Fund Active Navy End Strength to 323.9k .....		[29,600]
Fund Active Air Force End Strength to 321k .....		[116,000]
Fund Active Marine Corps End Strength to 185k .....		[240,000]
<b>Total, Military Personnel</b> .....	<b>62,965</b>	<b>1,350,465</b>

**TITLE XLV—OTHER AUTHORIZATIONS**

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
*(In Thousands of Dollars)*

<i>Program Title</i>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
<b>WORKING CAPITAL FUND, ARMY</b>		
SUPPLY MANAGEMENT—ARMY .....	56,469	56,469
<b>TOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>56,469</b>	<b>56,469</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
SUPPLIES AND MATERIALS .....	63,967	63,967
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>63,967</b>	<b>63,967</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
SUPPLY CHAIN MANAGEMENT—DEF .....	37,132	37,132
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>37,132</b>	<b>37,132</b>
<b>WORKING CAPITAL FUND, DECA</b>		
COMMISSARY .....	1,214,045	1,214,045
<b>TOTAL WORKING CAPITAL FUND, DECA</b> .....	<b>1,214,045</b>	<b>1,214,045</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
OPERATION & MAINTENANCE .....	147,282	147,282
RDT&E .....	388,609	388,609
PROCUREMENT .....	15,132	15,132
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b> .....	<b>551,023</b>	<b>551,023</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	730,087	605,087
<i>Transfer to Defense Security Cooperation Agency</i> .....		[-125,000]
DRUG DEMAND REDUCTION PROGRAM .....	114,713	114,713
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> .....	<b>844,800</b>	<b>719,800</b>

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION AND MAINTENANCE .....	318,882	318,882
RDT&E .....	3,153	3,153
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>322,035</b>	<b>322,035</b>
<b>DEFENSE HEALTH PROGRAM</b>		
<b>OPERATION &amp; MAINTENANCE</b>		
IN-HOUSE CARE .....	9,240,160	9,240,160
PRIVATE SECTOR CARE .....	15,738,759	15,738,759
CONSOLIDATED HEALTH SUPPORT .....	2,367,759	2,367,759
INFORMATION MANAGEMENT .....	1,743,749	1,743,749
MANAGEMENT ACTIVITIES .....	311,380	311,380
EDUCATION AND TRAINING .....	743,231	743,231
BASE OPERATIONS/COMMUNICATIONS .....	2,086,352	2,086,352
<b>SUBTOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>32,231,390</b>	<b>32,231,390</b>
<b>RDT&amp;E</b>		
RESEARCH .....	9,097	9,097
EXPLORATORY DEVELOPMENT .....	58,517	58,517
ADVANCED DEVELOPMENT .....	221,226	221,226
DEMONSTRATION/VALIDATION .....	96,602	96,602
ENGINEERING DEVELOPMENT .....	364,057	364,057
MANAGEMENT AND SUPPORT .....	58,410	58,410
CAPABILITIES ENHANCEMENT .....	14,998	14,998
<b>SUBTOTAL RDT&amp;E .....</b>	<b>822,907</b>	<b>822,907</b>
<b>PROCUREMENT</b>		
INITIAL OUTFITTING .....	20,611	20,611
REPLACEMENT & MODERNIZATION .....	360,727	360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM .....	2,413	2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION .....	29,468	29,468
<b>SUBTOTAL PROCUREMENT .....</b>	<b>413,219</b>	<b>413,219</b>
<b>UNDISTRIBUTED</b>		
Historical unobligated balances .....		[-399,100]
Reduction for unjustified travel expenses .....		[-6,500]
Reimbursement rates for Comprehensive Autism Care Demonstration program .....		[32,000]
<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-373,600</b>
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>33,467,516</b>	<b>33,093,916</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>36,556,987</b>	<b>36,058,387</b>

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>		
<b>INDUSTRIAL OPERATIONS</b>		
SUPPLY MANAGEMENT—ARMY .....	46,833	46,833
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>46,833</b>	<b>46,833</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	93,800	93,800
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>93,800</b>	<b>93,800</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	191,533	191,533
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>191,533</b>	<b>191,533</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION AND MAINTENANCE .....	22,062	22,062
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>22,062</b>	<b>22,062</b>
<b>DEFENSE HEALTH PROGRAM</b>		
<b>OPERATION AND MAINTENANCE</b>		
IN-HOUSE CARE .....	95,366	95,366
PRIVATE SECTOR CARE .....	235,620	235,620
CONSOLIDATED HEALTH SUPPORT .....	3,325	3,325
<b>SUBTOTAL OPERATION AND MAINTENANCE .....</b>	<b>334,311</b>	<b>334,311</b>
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>334,311</b>	<b>334,311</b>
<b>UKRAINE SECURITY ASSISTANCE</b>		
UKRAINE SECURITY ASSISTANCE .....		350,000
Program increase .....		[350,000]

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
<b>TOTAL UKRAINE SECURITY ASSISTANCE</b> .....		<b>350,000</b>
<b>COUNTERTERRORISM PARTNERSHIPS FUND</b>		
COUNTERTERRORISM PARTNERSHIPS FUND .....	1,000,000	0
Program decrease .....		[-250,000]
Transfer to Counter-ISIL Fund .....		[-750,000]
<b>TOTAL COUNTERTERRORISM PARTNERSHIPS FUND</b> .....	<b>1,000,000</b>	<b>0</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>1,688,539</b>	<b>1,038,539</b>

**SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

**SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS**  
(In Thousands of Dollars)

Program Title	FY 2017 Request	Conference Authorized
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	23,800	23,800
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> .....	<b>23,800</b>	<b>23,800</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>23,800</b>	<b>23,800</b>

**TITLE XLVI—MILITARY CONSTRUCTION**  
**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Army	Alaska Fort Wainwright	Unmanned Aerial Vehicle Hangar .....	47,000	47,000
Army	California Concord	Access Control Point .....	12,600	12,600
Army	Colorado Fort Carson	Automated Infantry Platoon Battle Course .....	8,100	8,100
Army	Fort Carson	Unmanned Aerial Vehicle Hangar .....	5,000	5,000
Army	Cuba Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex .....	33,000	33,000
Army	Georgia Fort Gordon	Access Control Point .....	0	0
Army	Fort Gordon	Company Operations Facility .....	0	10,600
Army	Fort Gordon	Cyber Protection Team Ops Facility .....	90,000	90,000
Army	Fort Stewart	Automated Qualification/Training Range .....	14,800	14,800
Army	Germany East Camp Grafenwoehr	Training Support Center .....	22,000	22,000
Army	Garmisch	Dining Facility .....	9,600	9,600
Army	Wiesbaden Army Airfield	Controlled Humidity Warehouse .....	16,500	16,500
Army	Wiesbaden Army Airfield	Hazardous Material Storage Building .....	2,700	2,700
Army	Hawaii Fort Shafter	Command and Control Facility, Incr 2 .....	40,000	40,000
Army	Missouri Fort Leonard Wood	Fire Station .....	0	6,900
Army	Texas Fort Hood	Automated Infantry Platoon Battle Course .....	7,600	7,600
Army	Utah Camp Williams	Live Fire Exercise Shoothouse .....	7,400	7,400
Army	Virginia Fort Belvoir	Secure Admin/Operations Facility, Incr 2 .....	64,000	64,000
Army	Fort Belvoir	Vehicle Maintenance Shop .....	0	23,000
Army	Worldwide Unspecified Unspecified Worldwide Locations	Host Nation Support FY17 .....	18,000	18,000
Army	Unspecified Worldwide Locations	Minor Construction FY17 .....	25,000	35,000
Army	Unspecified Worldwide Locations	Planning and Design FY17 .....	80,159	80,159
<b>Military Construction, Army Total</b> .....			<b>503,459</b>	<b>553,959</b>
Navy	Arizona Yuma	VMX-22 Maintenance Hangar .....	48,355	48,355
Navy	California Coronado	Coastal Campus Entry Control Point .....	13,044	13,044
Navy	Coronado	Coastal Campus Utilities Infrastructure .....	81,104	81,104
Navy	Coronado	Grace Hopper Data Center Power Upgrades .....	10,353	10,353
Navy	Lemoore	F-35C Engine Repair Facility .....	26,723	26,723
Navy	Miramar	Aircraft Maintenance Hangar, Incr 1 .....	0	79,399
Navy	Miramar	Communications Complex & Infrastructure Upgrade .....	0	34,700
Navy	Miramar	F-35 Aircraft Parking Apron .....	0	40,000

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
Navy	San Diego	Energy Security Hospital Microgrid .....	6,183	0
Navy	Seal Beach	Missile Magazines .....	21,007	21,007
	Florida			
Navy	Eglin AFB	WMD Field Training Facilities .....	20,489	20,489
Navy	Mayport NS	Advanced Wastewater Treatment Plant .....	0	0
Navy	Pensacola	A-School Dormitory .....	0	0
	Guam			
Navy	Joint Region Marianas	Hardening of Guam POL Infrastructure .....	26,975	26,975
Navy	Joint Region Marianas	Power Upgrade—Harmon .....	62,210	62,210
	Hawaii			
Navy	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys .....	43,384	43,384
Navy	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility .....	72,565	72,565
	Japan			
Navy	Kadena AB	Aircraft Maintenance Complex .....	26,489	26,489
Navy	Sasebo	Shore Power (Juliet Pier) .....	16,420	16,420
	Maine			
Navy	Kittery	Unaccompanied Housing .....	17,773	17,773
Navy	Kittery	Utility Improvements for Nuclear Platforms .....	30,119	30,119
	Maryland			
Navy	Patuxent River	UCLASS RDT&E Hangar .....	40,576	40,576
	Nevada			
Navy	Fallon	Air Wing Simulator Facility .....	13,523	13,523
	North Carolina			
Navy	Camp Lejeune	Range Facilities Safety Improvements .....	18,482	18,482
Navy	Cherry Point	Central Heating Plant Conversion .....	12,515	12,515
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar .....	83,490	83,490
Navy	Parris Island	Recruit Reconditioning Center & Barracks .....	29,882	29,882
	Spain			
Navy	Rota	Communication Station .....	23,607	23,607
	Virginia			
Navy	Norfolk	Chambers Field Magazine Recap Ph I .....	0	27,000
	Washington			
Navy	Bangor	SEAWOLF Class Service Pier .....	0	73,000
Navy	Bangor	Service Pier Electrical Upgrades .....	18,939	18,939
Navy	Bangor	Submarine Refit Maint Support Facility .....	21,476	21,476
Navy	Bremerton	Nuclear Repair Facility .....	6,704	6,704
Navy	Whidbey Island	EA-18G Maintenance Hangar .....	45,501	45,501
Navy	Whidbey Island	Triton Mission Control Facility .....	30,475	30,475
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design .....	88,230	88,230
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	29,790	29,790
Navy	Various Worldwide Locations	Triton Forward Operating Base Hangar .....	41,380	41,380
<b>Military Construction, Navy Total .....</b>			<b>1,027,763</b>	<b>1,275,679</b>
	Alabama			
AF	Maxwell AFB	Jag School Expansion .....	0	15,500
	Alaska			
AF	Clear AFS	Fire Station .....	20,000	20,000
AF	Eielson AFB	F-35A ADAL Field Training Detachment Fac .....	22,100	22,100
AF	Eielson AFB	F-35A Aircraft Weather Shelter (Sqd 2) .....	82,300	82,300
AF	Eielson AFB	F-35A Aircraft Weather Shelters (Sqd 1) .....	79,500	79,500
AF	Eielson AFB	F-35A Earth Covered Magazines .....	11,300	11,300
AF	Eielson AFB	F-35A Hangar/Propulsion MX/Dispatch .....	44,900	44,900
AF	Eielson AFB	F-35A Hangar/Squad Ops/AMU Sq #2 .....	42,700	42,700
AF	Eielson AFB	F-35A Missile Maintenance Facility .....	12,800	12,800
AF	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar .....	29,000	29,000
	Arizona			
AF	Luke AFB	F-35A Squad Ops/Aircraft Maint Unit #5 .....	20,000	20,000
	Australia			
AF	Darwin	APR—Aircraft MX Support Facility .....	1,800	1,800
AF	Darwin	APR—Expand Parking Apron .....	28,600	28,600
	California			
AF	Edwards AFB	Flightline Fire Station .....	24,000	24,000
	Colorado			
AF	Buckley AFB	Small Arms Range Complex .....	13,500	13,500
	Delaware			
AF	Dover AFB	Aircraft Maintenance Hangar .....	39,000	39,000
	Florida			
AF	Eglin AFB	Advanced Munitions Technology Complex .....	75,000	75,000
AF	Eglin AFB	Dormitories (288 rooms) .....	0	35,000
AF	Eglin AFB	Flightline Fire Station .....	13,600	13,600
AF	Patrick AFB	Fire/Crash Rescue Station .....	13,500	13,500
	Georgia			
AF	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo MX Unit .....	30,900	30,900
	Germany			
AF	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit .....	13,437	13,437
AF	Spangdahlem AB	EIC—Site Development and Infrastructure .....	43,465	43,465
	Guam			
AF	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2 .....	35,300	35,300
AF	Joint Region Marianas	APR—SATCOM C4I Facility .....	14,200	14,200

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
AF	Joint Region Marianas	Block 40 Maintenance Hangar .....	31,158	31,158
	Illinois			
AF	Scott AFB	Consolidated Corrosion Facility add/alter .....	0	41,000
	Japan			
AF	Kadena AB	APR—Replace Munitions Structures .....	19,815	19,815
AF	Yokota AB	C-130J Corrosion Control Hangar .....	23,777	23,777
AF	Yokota AB	Construct Combat Arms Training & Maint Fac .....	8,243	8,243
	Kansas			
AF	McConnell AFB	Air Traffic Control Tower .....	11,200	11,200
AF	McConnell AFB	KC-46A ADAL Taxiway Delta .....	5,600	5,600
AF	McConnell AFB	KC-46A Alter Flight Simulator Bldgs .....	3,000	3,000
	Louisiana			
AF	Barksdale AFB	Consolidated Communication Facility .....	21,000	21,000
	Mariana Islands			
AF	Unspecified Location	APR—Land Acquisition .....	9,000	9,000
	Maryland			
AF	Joint Base Andrews	21 Points Enclosed Firing Range .....	13,000	13,000
AF	Joint Base Andrews	Consolidated Communications Center .....	0	50,000
AF	Joint Base Andrews	PAR Relocate JADOC Satellite Site .....	3,500	3,500
	Massachusetts			
AF	Hanscom AFB	Construct Vandenberg Gate Complex .....	0	10,965
AF	Hanscom AFB	System Management Engineering Facility .....	20,000	20,000
	Montana			
AF	Malmstrom AFB	Missile Maintenance Facility .....	14,600	14,600
	Nevada			
AF	Nellis AFB	F-35A POL Fill Stand Addition .....	10,600	10,600
	New Mexico			
AF	Cannon AFB	North Fitness Center .....	21,000	21,000
AF	Holloman AFB	Hazardous Cargo Pad and Taxiway .....	10,600	10,600
AF	Kirtland AFB	Combat Rescue Helicopter Simulator .....	7,300	7,300
	Ohio			
AF	Wright-Patterson AFB	Relocated Entry Control Facility 26A .....	12,600	12,600
	Oklahoma			
AF	Altus AFB	KC-46A FTU/FTC Simulator Facility Ph 2 .....	11,600	11,600
AF	Tinker AFB	E-3G Mission and Flight Simulator Training Facility .....	0	26,000
AF	Tinker AFB	KC-46A Depot System Integration Laboratory .....	17,000	17,000
	South Carolina			
AF	Joint Base Charleston	Fire & Rescue Station .....	0	17,000
	Texas			
AF	Joint Base San Antonio	BMT Recruit Dormitory 6 .....	67,300	67,300
	Turkey			
AF	Incirlik AB	Airfield Fire/Crash Rescue Station .....	13,449	13,449
	United Arab Emirates			
AF	Al Dhafra	Large Aircraft Maintenance Hangar .....	35,400	35,400
	United Kingdom			
AF	RAF Croughton	J1AC Consolidation—Ph 3 .....	53,082	53,082
AF	RAF Croughton	Main Gate Complex .....	16,500	16,500
	Utah			
AF	Hill AFB	649 MUNS Munitions Storage Magazines .....	6,600	6,600
AF	Hill AFB	649 MUNS Precision Guided Missile MX Facility .....	8,700	8,700
AF	Hill AFB	649 MUNS STAMP/Maint & Inspection Facility .....	12,000	12,000
AF	Hill AFB	Composite Aircraft Antenna Calibration Fac .....	7,100	7,100
AF	Hill AFB	F-35A Munitions Maintenance Complex .....	10,100	10,100
	Virginia			
AF	Joint Base Langley-Eustis	Air Force Targeting Center .....	45,000	45,000
AF	Joint Base Langley-Eustis	Fuel System Maintenance Dock .....	14,200	14,200
	Washington			
AF	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM) .....	27,000	27,000
	Worldwide Unspecified			
AF	Various Worldwide Locations	Planning & Design .....	143,582	143,582
AF	Various Worldwide Locations	Unspecified Minor Military Construction .....	30,000	40,000
	Wyoming			
AF	F. E. Warren AFB	Missile Transfer Facility Bldg 4331 .....	5,550	5,550
<b>Military Construction, Air Force Total .....</b>			<b>1,481,058</b>	<b>1,686,523</b>
	Alaska			
Def-Wide	Clear AFS	Long Range Discrim Radar Sys Complex Ph 1 .....	155,000	155,000
Def-Wide	Fort Greely	Missile Defense Complex Switchgear Facility .....	9,560	9,560
Def-Wide	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility .....	4,900	4,900
	Arizona			
Def-Wide	Fort Huachuca	JITC Building 52110 Renovation .....	4,493	4,493
	California			
Def-Wide	Coronado	SOF Human Performance Training Center .....	15,578	15,578
Def-Wide	Coronado	SOF Seal Team Ops Facility .....	47,290	47,290
Def-Wide	Coronado	SOF Seal Team Ops Facility .....	47,290	47,290
Def-Wide	Coronado	SOF Special RECON Team ONE Operations Fac .....	20,949	20,949
Def-Wide	Coronado	SOF Training Detachment ONE Ops Facility .....	44,305	44,305
Def-Wide	Travis AFB	Replace Hydrant Fuel System .....	26,500	26,500
	Delaware			
Def-Wide	Dover AFB	Welch ES/Dover MS Replacement .....	44,115	44,115
	Diego Garcia			

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
Def-Wide	Diego Garcia Florida	Improve Wharf Refueling Capability .....	30,000	30,000
Def-Wide	Patrick AFB Georgia	Replace Fuel Tanks .....	10,100	10,100
Def-Wide	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar .....	4,820	4,820
Def-Wide	Fort Gordon	Medical Clinic Replacement .....	25,000	25,000
Def-Wide	Germany Kaiserlautern AB	Sembach Elementary/Middle School Replacement .....	45,221	45,221
Def-Wide	Rhine Ordnance Barracks Japan	Medical Center Replacement Incr 6 .....	58,063	58,063
Def-Wide	Iwakuni	Construct Truck Offload & Loading Facilities .....	6,664	6,664
Def-Wide	Kadena AB	Kadena Elementary School Replacement .....	84,918	84,918
Def-Wide	Kadena AB	Medical Materiel Warehouse .....	20,881	20,881
Def-Wide	Kadena AB	SOF Maintenance Hangar .....	42,823	42,823
Def-Wide	Kadena AB	SOF Simulator Facility (MC-130) .....	12,602	12,602
Def-Wide	Yokota AB	Airfield Apron .....	41,294	41,294
Def-Wide	Yokota AB	Hangar/AMU .....	39,466	39,466
Def-Wide	Yokota AB	Operations and Warehouse Facilities .....	26,710	26,710
Def-Wide	Yokota AB	Simulator Facility .....	6,261	6,261
Def-Wide	Kwajalein Kwajalein Atoll	Replace Fuel Storage Tanks .....	85,500	85,500
Def-Wide	Maine Kittery	Medical/Dental Clinic Replacement .....	27,100	27,100
Def-Wide	Maryland Bethesda Naval Hospital	MEDCEN Addition/Alteration Incr 1 .....	50,000	50,000
Def-Wide	Fort Meade	Access Control Facility .....	21,000	21,000
Def-Wide	Fort Meade	NSAW Campus Feeders Phase 3 .....	17,000	17,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 2 .....	195,000	195,000
Def-Wide	Missouri St. Louis	Land Acquisition—Next NGA West Campus .....	801	801
Def-Wide	North Carolina Camp Lejeune	Dental Clinic Replacement .....	31,000	31,000
Def-Wide	Fort Bragg	SOF Combat Medic Training Facility .....	10,905	10,905
Def-Wide	Fort Bragg	SOF Parachute Rigging Facility .....	21,420	21,420
Def-Wide	Fort Bragg	SOF Special Tactics Facility (Ph 3) .....	30,670	30,670
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility .....	23,598	23,598
Def-Wide	South Carolina Joint Base Charleston	Construct Hydrant Fuel System .....	17,000	17,000
Def-Wide	Texas Red River Army Depot	Construct Warehouse & Open Storage .....	44,700	44,700
Def-Wide	Sheppard AFB	Medical/Dental Clinic Replacement .....	91,910	91,910
Def-Wide	United Kingdom RAF Croughton	Croughton Elem/Middle/High School Replacement .....	71,424	71,424
Def-Wide	RAF Lakenheath	Construct Hydrant Fuel System .....	13,500	13,500
Def-Wide	Virginia Pentagon	Pentagon Metro Entrance Facility .....	12,111	12,111
Def-Wide	Pentagon	Upgrade IT Facilities Infrastructure—RRMC .....	8,105	8,105
Def-Wide	Wake Island Wake Island	Test Support Facility .....	11,670	11,670
Def-Wide	Worldwide Unspecified Unspecified Worldwide Locations	Battalion Complex .....	0	0
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program Design .....	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	8,631	8,631
Def-Wide	Unspecified Worldwide Locations	Planning and Design, Defense Wide .....	13,450	23,450
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA .....	23,585	23,585
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NGA .....	71,647	36,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA .....	24,000	24,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS .....	3,427	3,427
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	5,994	5,994
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	8,500	8,500
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon .....	3,913	3,913
Def-Wide	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction .....	2,414	2,414
Def-Wide	Various Worldwide Locations	Planning & Design, DLA .....	27,660	27,660
Def-Wide	Various Worldwide Locations	Planning and Design, SOCOM .....	27,653	27,653
Def-Wide	Worldwide Unspecified Locations Unspecified Worldwide Locations	Planning & Design, MDA .....	0	15,000
<b>Military Construction, Defense-Wide Total .....</b>			<b>2,056,091</b>	<b>2,025,444</b>
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program .....	177,932	177,932
<b>NATO Security Investment Program Total .....</b>			<b>177,932</b>	<b>177,932</b>
Army NG	Colorado Fort Carson	National Guard Readiness Center .....	0	16,500
	Hawaii			

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
Army NG	Hilo	Combined Support Maintenance Shop .....	31,000	31,000
	Iowa			
Army NG	Davenport	National Guard Readiness Center .....	23,000	23,000
	Kansas			
Army NG	Fort Leavenworth	National Guard Readiness Center .....	29,000	29,000
	New Hampshire			
Army NG	Hooksett	National Guard Vehicle Maintenance Shop .....	11,000	11,000
Army NG	Rochester	National Guard Vehicle Maintenance Shop .....	8,900	8,900
	Oklahoma			
Army NG	Ardmore	National Guard Readiness Center .....	22,000	22,000
	Pennsylvania			
Army NG	Fort Indiantown Gap	Access Control Buildings .....	0	20,000
Army NG	York	National Guard Readiness Center .....	9,300	9,300
	Rhode Island			
Army NG	East Greenwich	National Guard/Reserve Center Building (JFHQ) .....	20,000	20,000
	Utah			
Army NG	Camp Williams	National Guard Readiness Center .....	37,000	37,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design .....	8,729	8,729
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction .....	12,001	12,001
	Wyoming			
Army NG	Camp Guernsey	General Instruction Building .....	0	31,000
Army NG	Laramie	National Guard Readiness Center .....	21,000	21,000
<b>Military Construction, Army National Guard Total .....</b>			<b>232,930</b>	<b>300,430</b>
	Arizona			
Army Res	Phoenix	Army Reserve Center .....	0	30,000
	California			
Army Res	Barstow	Equipment Concentration Site .....	0	0
Army Res	Camp Parks	Transient Training Barracks .....	19,000	19,000
Army Res	Fort Hunter Liggett	Emergency Services Center .....	21,500	21,500
	Virginia			
Army Res	Dublin	Organizational Maintenance Shop/AMSA .....	6,000	6,000
	Washington			
Army Res	Joint Base Lewis-McChord	Army Reserve Center .....	0	0
	Wisconsin			
Army Res	Fort McCoy	AT/MOB Dining Facility .....	11,400	11,400
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design .....	7,500	7,500
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	2,830	2,830
<b>Military Construction, Army Reserve Total .....</b>			<b>68,230</b>	<b>98,230</b>
	Louisiana			
N/MC Res	New Orleans	Joint Reserve Intelligence Center .....	11,207	11,207
	New York			
N/MC Res	Brooklyn	Electric Feeder Ductbank .....	1,964	1,964
N/MC Res	Syracuse	Marine Corps Reserve Center .....	13,229	13,229
	Texas			
N/MC Res	Galveston	Reserve Center Annex .....	8,414	8,414
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design .....	3,783	3,783
<b>Military Construction, Naval Reserve Total .....</b>			<b>38,597</b>	<b>38,597</b>
	Connecticut			
Air NG	Bradley IAP	Construct Small Air Terminal .....	6,300	6,300
	Florida			
Air NG	Jacksonville IAP	Replace Fire Crash/Rescue Station .....	9,000	9,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility .....	11,000	11,000
	Iowa			
Air NG	Sioux Gateway Airport	Construct Consolidated Support Functions .....	12,600	12,600
	Maryland			
Air NG	Joint Base Andrews	Munitions Load Crew Trng/Corrosion Cntrl Facility .....	0	5,000
	Minnesota			
Air NG	Duluth IAP	Load Crew Training/Weapon Shops .....	7,600	7,600
	New Hampshire			
Air NG	Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251 .....	1,500	1,500
	North Carolina			
Air NG	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar .....	29,600	29,600
Air NG	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System .....	21,000	21,000
	Ohio			
Air NG	Toledo Express Airport	Indoor Small Arms Range .....	0	6,000
	South Carolina			
Air NG	McEntire ANG	Replace Operations and Training Facility .....	8,400	8,400
	Texas			
Air NG	Ellington Field	Consolidate Crew Readiness Facility .....	4,500	4,500
	Vermont			
Air NG	Burlington IAP	F-35 Beddown 4-Bay Flight Simulator .....	4,500	4,500
	Worldwide Unspecified			

**SEC. 4601. MILITARY CONSTRUCTION**  
**(In Thousands of Dollars)**

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2017 Request</b>	<b>Conference Authorized</b>
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction .....	17,495	17,495
Air NG	Various Worldwide Locations	Planning and Design .....	10,462	10,462
<b>Military Construction, Air National Guard Total .....</b>			<b>143,957</b>	<b>154,957</b>
<i>Guam</i>				
AF Res	Andersen AFB	Reserve Medical Training Facility .....	0	0
<i>Massachusetts</i>				
AF Res	Westover ARB	Indoor Small Arms Range .....	0	0
<i>North Carolina</i>				
AF Res	Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training .....	5,700	5,700
AF Res	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities .....	2,250	2,250
AF Res	Seymour Johnson AFB	KC-46A Two Bay Corrosion/Fuel Cell Hangar .....	90,000	90,000
<i>Pennsylvania</i>				
AF Res	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System .....	22,800	22,800
AF Res	Pittsburgh IAP	C-17 Const/Overlay Taxiway and Apron .....	8,200	8,200
AF Res	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar .....	54,000	54,000
<i>Utah</i>				
AF Res	Hill AFB	ADAL Life Support Facility .....	0	0
<i>Worldwide Unspecified</i>				
AF Res	Unspecified Worldwide Locations	Planning & Design .....	4,500	4,500
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	1,500	1,500
<b>Military Construction, Air Force Reserve Total .....</b>			<b>188,950</b>	<b>188,950</b>
<i>Korea</i>				
FH Con	Camp Humphreys	Family Housing New Construction, Incr 1 .....	143,563	100,000
<i>Army</i>				
FH Con	Camp Walker	Family Housing New Construction .....	54,554	54,554
<i>Worldwide Unspecified</i>				
FH Con	Unspecified Worldwide Locations	Planning & Design .....	2,618	2,618
<i>Army</i>				
<b>Family Housing Construction, Army Total .....</b>			<b>200,735</b>	<b>157,172</b>
<i>Worldwide Unspecified</i>				
FH Ops	Unspecified Worldwide Locations	Furnishings .....	10,178	10,178
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Housing Privatization Support .....	19,146	19,146
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Leasing .....	131,761	131,761
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Maintenance .....	60,745	60,745
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Management .....	40,344	40,344
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Miscellaneous .....	400	400
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Services .....	7,993	7,993
<i>Army</i>				
FH Ops	Unspecified Worldwide Locations	Utilities .....	55,428	55,428
<i>Army</i>				
<b>Family Housing Operation And Maintenance, Army Total .....</b>			<b>325,995</b>	<b>325,995</b>
<i>Mariana Islands</i>				
FH Con	Guam	Replace Andersen Housing Ph I .....	78,815	78,815
<i>Navy</i>				
<i>Worldwide Unspecified</i>				
FH Con	Unspecified Worldwide Locations	Construction Improvements .....	11,047	11,047
<i>Navy</i>				
FH Con	Unspecified Worldwide Locations	Planning & Design .....	4,149	4,149
<i>Navy</i>				
<b>Family Housing Construction, Navy And Marine Corps Total .....</b>			<b>94,011</b>	<b>94,011</b>
<i>Worldwide Unspecified</i>				
FH Ops	Unspecified Worldwide Locations	Furnishings .....	17,457	17,457
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Housing Privatization Support .....	26,320	26,320
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Leasing .....	54,689	54,689
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Maintenance .....	81,254	81,254
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Management .....	51,291	51,291
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Miscellaneous .....	364	364
<i>Navy</i>				
FH Ops	Unspecified Worldwide Locations	Services .....	12,855	12,855
<i>Navy</i>				

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
FH Ops Navy	Unspecified Worldwide Locations	Utilities .....	56,685	56,685
<b>Family Housing Operation And Maintenance, Navy And Marine Corps Total .....</b>			<b>300,915</b>	<b>300,915</b>
Worldwide Unspecified				
FH Con AF	Unspecified Worldwide Locations	Construction Improvements .....	56,984	56,984
FH Con AF	Unspecified Worldwide Locations	Planning & Design .....	4,368	4,368
<b>Family Housing Construction, Air Force Total .....</b>			<b>61,352</b>	<b>61,352</b>
Worldwide Unspecified				
FH Ops AF	Unspecified Worldwide Locations	Furnishings .....	31,690	31,690
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization Support .....	41,809	41,809
FH Ops AF	Unspecified Worldwide Locations	Leasing .....	20,530	20,530
FH Ops AF	Unspecified Worldwide Locations	Maintenance .....	85,469	85,469
FH Ops AF	Unspecified Worldwide Locations	Management .....	42,919	42,919
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous .....	1,745	1,745
FH Ops AF	Unspecified Worldwide Locations	Services .....	13,026	13,026
FH Ops AF	Unspecified Worldwide Locations	Utilities .....	37,241	37,241
<b>Family Housing Operation And Maintenance, Air Force Total .....</b>			<b>274,429</b>	<b>274,429</b>
Worldwide Unspecified				
FH Ops DW	Unspecified Worldwide Locations	Furnishings .....	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings .....	500	500
FH Ops DW	Unspecified Worldwide Locations	Furnishings .....	399	399
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	40,984	40,984
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	11,044	11,044
FH Ops DW	Unspecified Worldwide Locations	Maintenance .....	349	349
FH Ops DW	Unspecified Worldwide Locations	Maintenance .....	800	800
FH Ops DW	Unspecified Worldwide Locations	Management .....	388	388
FH Ops DW	Unspecified Worldwide Locations	Services .....	32	32
FH Ops DW	Unspecified Worldwide Locations	Utilities .....	4,100	4,100
FH Ops DW	Unspecified Worldwide Locations	Utilities .....	174	174
FH Ops DW	Unspecified Worldwide Locations	Utilities .....	367	367
<b>Family Housing Operation And Maintenance, Defense-Wide Total .....</b>			<b>59,157</b>	<b>59,157</b>
Worldwide Unspecified				
FHIF	Unspecified Worldwide Locations	Program Expenses .....	3,258	3,258
<b>DoD Family Housing Improvement Fund Total .....</b>			<b>3,258</b>	<b>3,258</b>
Worldwide Unspecified				
BRAC	Base Realignment & Closure, Army	Base Realignment and Closure .....	14,499	24,499
<b>Base Realignment and Closure—Army Total .....</b>			<b>14,499</b>	<b>24,499</b>
Worldwide Unspecified				
BRAC	Base Realignment & Closure, Navy	Base Realignment & Closure .....	110,606	135,606
BRAC	Unspecified Worldwide Locations	DON-100: Planning, Design and Management .....	4,604	4,604
BRAC	Unspecified Worldwide Locations	DON-101: Various Locations .....	10,461	10,461
BRAC	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME .....	557	557
BRAC	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO .....	100	100
BRAC	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA .....	4,648	4,648
BRAC	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP .....	3,397	3,397
<b>Base Realignment and Closure—Navy Total .....</b>			<b>134,373</b>	<b>159,373</b>
Worldwide Unspecified				
BRAC	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force .....	56,365	56,365
<b>Base Realignment and Closure—Air Force Total .....</b>			<b>56,365</b>	<b>56,365</b>
Worldwide Unspecified				
PYS	Unspecified Worldwide Locations	Planning and Design, Defense Wide .....	0	-30,000
PYS	Worldwide	Air Force .....	0	-51,460
PYS	Worldwide	Army .....	0	-29,602
PYS	Worldwide	Defense-Wide .....	0	-141,600
PYS	Worldwide	Navy .....	0	0
Worldwide Unspecified Locations				
PYS	Worldwide	HAP .....	0	-25,000
PYS	Worldwide	NSIP .....	0	-30,000
<b>Prior Year Savings Total .....</b>			<b>0</b>	<b>-307,662</b>
<b>Total, Military Construction .....</b>			<b>7,444,056</b>	<b>7,709,565</b>

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2017 Request	Conference Authorized
Army	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design .....	18,900	18,900
<b>Military Construction, Army Total .....</b>			<b>18,900</b>	<b>18,900</b>
Navy	Iceland Keflavik	ERI: P-8A Aircraft Rinse Rack .....	5,000	5,000
Navy	Keflavik	ERI: P-8A Hangar Upgrade .....	14,600	14,600
Navy	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design .....	1,800	1,800
<b>Military Construction, Navy Total .....</b>			<b>21,400</b>	<b>21,400</b>
AF	Bulgaria Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac .....	3,800	3,800
AF	Graf Ignatievo	ERI: Fighter Ramp Extension .....	7,000	7,000
AF	Graf Ignatievo	ERI: Upgrade Munitions Storage Area .....	2,600	2,600
AF	Djibouti Chabelley Airfield	OCO: Construct Chabelley Access Road .....	3,600	3,600
AF	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway .....	6,900	6,900
AF	Estonia Amari AB	ERI: Construct Bulk Fuel Storage .....	6,500	6,500
AF	Germany Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House .....	1,000	1,000
AF	Spangdahlem AB	ERI: F/A-22 Low Observable/Comp Repair Fac .....	12,000	12,000
AF	Spangdahlem AB	ERI: F/A-22 Upgrade Infrastructure/Comm/Util .....	1,600	1,600
AF	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters .....	2,700	2,700
AF	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors .....	1,400	1,400
AF	Lithuania Siauliai	ERI: Munitions Storage .....	3,000	3,000
AF	Poland Lask AB	ERI: Construct Squadron Operations Facility .....	4,100	4,100
AF	Powidz AB	ERI: Construct Squadron Operations Facility .....	4,100	4,100
AF	Romania Campia Turzii	ERI: Construct Munitions Storage Area .....	3,000	3,000
AF	Campia Turzii	ERI: Construct Squadron Operations Facility .....	3,400	3,400
AF	Campia Turzii	ERI: Construct Two-Bay Hangar .....	6,100	6,100
AF	Campia Turzii	ERI: Extend Parking Aprons .....	6,000	6,000
AF	Worldwide Unspecified Unspecified Worldwide Locations	CTP: Planning and Design .....	9,000	8,551
AF	Unspecified Worldwide Locations	OCO: Planning and Design .....	940	940
<b>Military Construction, Air Force Total .....</b>			<b>88,740</b>	<b>88,291</b>
Def-Wide	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Unspecified Minor Construction .....	5,000	5,000
<b>Military Construction, Defense-Wide Total .....</b>			<b>5,000</b>	<b>5,000</b>
<b>Total, Military Construction .....</b>			<b>134,040</b>	<b>133,591</b>

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2017 Request	Conference Authorized
Navy	Djibouti Camp Lemonier	OCO: Medical/Dental Facility .....	37,409	37,409
Navy	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design .....	1,000	1,000
<b>Military Construction, Navy Total .....</b>			<b>38,409</b>	<b>38,409</b>
<b>Total, Military Construction .....</b>			<b>38,409</b>	<b>38,409</b>

TITLE XLVII—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
<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	136,616
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
Weapons activities .....	9,243,147	9,429,029
Defense nuclear nonproliferation .....	1,807,916	1,886,916
Naval reactors .....	1,420,120	1,417,620
Federal salaries and expenses .....	412,817	395,517
<b>Total, National nuclear security administration</b> .....	<b>12,884,000</b>	<b>13,129,082</b>
<b>Environmental and other defense activities:</b>		
Defense environmental cleanup .....	5,382,050	5,273,558
Other defense activities .....	791,552	789,552
<b>Total, Environmental &amp; other defense activities</b> .....	<b>6,173,602</b>	<b>6,063,110</b>
<b>Total, Atomic Energy Defense Activities</b> .....	<b>19,057,602</b>	<b>19,192,192</b>
<b>Total, Discretionary Funding</b> .....	<b>19,209,478</b>	<b>19,328,808</b>
<b>Nuclear Energy</b>		
Idaho sitewide safeguards and security .....	129,303	129,303
Idaho operations and maintenance .....	7,313	7,313
Consent Based Siting .....	15,260	0
Denial of funds for defense-only repository .....		[-15,260]
<b>Total, Nuclear Energy</b> .....	<b>151,876</b>	<b>136,616</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	56,000
Denial of dismantlement acceleration .....		[-12,984]
<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>3,317,543</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>
<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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
<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	656,184
Program decrease .....		[-7,000]
Stockpile Responsiveness Program .....	0	40,000
Program increase .....		[40,000]
<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>1,887,719</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	324,000
Address high-priority preventative maintenance .....		[30,000]
<b>Recapitalization:</b>		
Infrastructure and safety .....	554,643	630,509
Address high-priority deferred maintenance .....		[75,866]
Capability based investment .....	112,639	112,639
<b>Total, Recapitalization</b> .....	<b>667,282</b>	<b>743,148</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 RLUOB 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>2,827,818</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	693,133
Support to physical security infrastructure recapitalization and CSTART .....		[36,000]
<b>Construction:</b>		
14-D-710 Device assembly facility argus installation project, NV .....	13,000	13,000
17-D-710 West end protected area reduction project, Y-12 .....	0	24,000
<b>Total, Defense nuclear security</b> .....	<b>670,133</b>	<b>730,133</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>9,429,029</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Defense Nuclear Nonproliferation Programs</b>		
<b>Defense Nuclear Nonproliferation R&amp;D</b>		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
Global material security .....	337,108	337,108
Material management and minimization .....	341,094	321,094
Program decrease .....		[-20,000]
Nonproliferation and arms control .....	124,703	124,703
Defense Nuclear Nonproliferation R&D .....	393,922	417,922
Acceleration of low-yield detection experiments .....		[4,000]
Nuclear detection technology and new challenges such as 3D printing .....		[20,000]
Low Enriched Uranium R&D for Naval Reactors .....	0	5,000
Low Enriched Uranium R&D for Naval Reactors .....		[5,000]
<b>Nonproliferation Construction:</b>		
99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS .....	270,000	340,000
Increase to support 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>1,545,827</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>1,886,916</b>
<b>Naval Reactors</b>		
Naval reactors operations and infrastructure .....	449,682	447,182
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>1,417,620</b>
<b>Federal Salaries And Expenses</b>		
Program direction .....	412,817	395,517
Program decrease .....		[-17,300]
<b>Total, Office Of The Administrator</b> .....	<b>412,817</b>	<b>395,517</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	114,755
Acceleration of priority programs .....		[45,000]
Central plateau remediation .....	620,869	644,369
Acceleration of priority programs .....		[23,500]
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>785,311</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
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>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	Conference Authorized
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	0
Defense Uranium enrichment D&D .....	155,100	0
Ahead of need .....		[-155,100]
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,382,050</b>	<b>5,273,558</b>
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,382,050</b>	<b>5,273,558</b>
<b>Other Defense Activities</b>		
<b>Environment, health, safety and security</b>		
Environment, health, safety and security .....	130,693	128,693
Program direction .....	66,519	66,519
<b>Total, Environment, health, safety and security .....</b>	<b>197,212</b>	<b>195,212</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>119,716</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>789,552</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)

Table with 3 columns: Program, FY 2017 Request, Conference Authorized. Row: Total, Other Defense Activities, 791,552, 789,552

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the "Military Justice Act of 2016".

TITLE LI—GENERAL PROVISIONS

- Sec. 5101. Definitions.
Sec. 5102. Clarification of persons subject to UCMJ while on inactive-duty training.
Sec. 5103. Staff judge advocate disqualification due to prior involvement in case.
Sec. 5104. Conforming amendment relating to military magistrates.
Sec. 5105. Rights of victim.

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

"(10) The term 'military judge' means a judge advocate designated under section 826(c) of this title (article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a)."

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking "the Army or the Navy" and inserting "the Army, the Navy, or the Air Force"; and

(2) in subparagraph (B), by striking "the Air Force or".

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

"(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

"(i) members of a reserve component; and

"(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

"(B) The periods referred to in subparagraph (A) are the following:

"(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

"(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

"(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations."

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

"(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

"(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

"(B) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court."

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking "military judge" and all that follows through the end of the sentence and inserting "military appellate judge, military judge, or military magistrate to perform the duties of the position involved."

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking "the military judge" and all that follows through the end of the sentence and inserting the following: "the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section."

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34)."

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

"(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

"(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate."

TITLE LII—APPREHENSION AND RESTRAINT

Sec. 5121. Restraint of persons charged.

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

SEC. 5121. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

"§810. Art. 10. Restraint of persons charged

"(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

"(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

"(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

"(A) to inform the person of the specific offense of which the person is accused; and

"(B) to try the person or to dismiss the charges and release the person.

"(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32)."

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

"§812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

"No member of the armed forces may be placed in confinement in immediate association with—

"(1) enemy prisoners; or

"(2) other individuals—

"(A) who are detained under the law of war and are foreign nationals; and

"(B) who are not members of the armed forces."

TITLE LIII—NON-JUDICIAL PUNISHMENT

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

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking "on bread and water or diminished rations"; and

(B) in the undesignated matter after paragraph (2), by striking "on bread and water or diminished rations" in the sentence beginning "No two or more"; and

(2) in subsection (d), by striking "on bread and water or diminished rations" in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

Sec. 5161. Courts-martial classified.

Sec. 5162. Jurisdiction of general courts-martial.

Sec. 5163. Jurisdiction of special courts-martial.

Sec. 5164. Summary court-martial as non-criminal forum.

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

"§816. Art 16. Courts-martial classified

"(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:

"(1) General courts-martial, as described in subsection (b).

"(2) Special courts-martial, as described in subsection (c).

"(3) Summary courts-martial, as described in subsection (d).

"(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

"(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(2) In a capital case, a general court-martial consisting of a military judge and the number of

members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

“(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

“(1) A special court-martial consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(2) A special court-martial consisting of a military judge alone—

“(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

“(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

“(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.”.

#### SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by striking “section 816(1)(B) of this title (article 16(1)(B))” and inserting “section 816(b)(3) of this title (article 16(b)(3))”; and

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

“(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

“(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

“(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).”.

#### SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking “Subject to” in the first sentence and inserting the following:

“(a) IN GENERAL.—Subject to:

(2) by striking “A bad-conduct discharge” and all that follows through the end; and

(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

“(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

“(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.”.

#### SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Subject to”; and

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

“(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.”.

#### TITLE LV—COMPOSITION OF COURTS-MARTIAL

Sec. 5181. Technical amendment relating to persons authorized to convene general courts-martial.

Sec. 5182. Who may serve on courts-martial and related matters.

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

Sec. 5184. Detailing, qualifications, and other matters relating to military judges.

Sec. 5185. Military magistrates.

Sec. 5186. Qualifications of trial counsel and defense counsel.

Sec. 5187. Assembly and impaneling of members and related matters.

#### SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVE NE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking “in chief”.

#### SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

“(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—

“(A) the membership of the court-martial be comprised entirely of officers; or

“(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

“(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

“(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, is not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.”.

(b) WHO MAY SENTENCE.—Such section (article) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d)(1) Except as provided in paragraph (2) for capital offenses, the accused in a court-martial with a military judge and members may, after the findings are announced and before any matter is presented in the sentencing phase, request, orally on the record or in writing, sentencing by members.

“(2) In a capital case, the accused shall be sentenced by the members for all offenses for which the court-martial may sentence the accused to death in accordance with section 853(c) of this title (article 53(c)).

“(3) In a capital case, if the accused is convicted of a non-capital offense, the accused

shall be sentenced for such non-capital offense in accordance with section 853(b) of this title (article 53(b)), regardless of whether the accused is convicted of an offense for which the court-martial may sentence the accused to death.”.

(c) DETAIL OF MEMBERS.—Subsection (e) of such section (article), as redesignated by subsection (b)(1) of this section, is amended by adding at the end the following new paragraph:

“(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).”.

#### SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

#### “§825a. Art. 25a. Number of court-martial members in capital cases

“(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

“(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

“(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

“(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.”.

#### SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) DETAIL TO SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by inserting after “each general” the following: “and special”; and

(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking “qualified for duty” and inserting “qualified, by reason of education, training, experience, and judicial temperament, for duty”.

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

“(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

“(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge’s performance of duty as a military judge.

“(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

“(A) may perform such duties only when the officer is assigned and directly responsible to the Judge Advocate General of the armed force of which the military judge is a member; and

“(B) may perform duties of a judicial or non-judicial nature other than those relating to the officer’s primary duty as a military judge of a general court-martial when such duties are assigned to the officer by or with the approval of that Judge Advocate General.

“(4) In accordance with regulations prescribed by the President, assignments of military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.”.

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such section (article) is further amended by adding at the end the following new subsection:

“(f) A military judge may be detailed under subsection (a) to a court-martial or a proceeding

under section 830a of this title (article 30a) that is convened in a different armed force, when so permitted by the Judge Advocate General of the armed force of which the military judge is a member.”

(e) **CHIEF TRIAL JUDGES.**—Such section (article), as amended by subsection (d), is further amended by adding at the end the following new subsection:

“(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.”

**SEC. 5185. MILITARY MAGISTRATES.**

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

**“§826a. Art. 26a. Military magistrates**

“(a) **QUALIFICATIONS.**—A military magistrate shall be a commissioned officer of the armed forces who—

“(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

“(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.

“(b) **DUTIES.**—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.”

**SEC. 5186. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.**

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking “No person” and all that follows through “trial counsel,” the first place it appears and inserting “No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,”;

(2) in the first sentence of subsection (b), by striking “Trial counsel or defense counsel” and inserting “Trial counsel, defense counsel, or assistant defense counsel”; and

(3) by striking subsection (c) and inserting the following new subsections:

“(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).

“(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

“(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.”

**SEC. 5187. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.**

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

**“§829. Art 29. Assembly and impaneling of members; detail of new members and military judges**

“(a) **ASSEMBLY.**—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-

martial is assembled, no member may be absent, unless the member is excused—

“(1) as a result of a challenge;

“(2) under subsection (b)(1)(B); or

“(3) by order of the military judge or the convening authority for disability or other good cause.

“(b) **IMPANELING.**—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

“(A) after determination of challenges, impanel the court-martial; and

“(B) excuse the members who, having been assembled, are not impaneled.

“(2) In a general court-martial, the military judge shall impanel—

“(A) 12 members in a capital case; and

“(B) eight members in a noncapital case.

“(3) In a special court-martial, the military judge shall impanel four members.

“(c) **ALTERNATE MEMBERS.**—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

“(d) **DETAIL OF NEW MEMBERS.**—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

“(A) fewer than 12 members with respect to a general court-martial in a capital case;

“(B) fewer than six members with respect to a general court-martial in a noncapital case; or

“(C) fewer than four members with respect to a special court-martial;

the trial may not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in paragraph (2).

“(2) The membership referred to in paragraph (1) is as follows:

“(A) 12 members with respect to a general court-martial in a capital case.

“(B) At least six but not more than eight members with respect to a general court-martial in a noncapital case.

“(C) Four members with respect to a special court-martial.

“(e) **DETAIL OF NEW MILITARY JUDGE.**—If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

“(f) **EVIDENCE.**—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

“(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.”

**TITLE LVI—PRE-TRIAL PROCEDURE**

Sec. 5201. Charges and specifications.

Sec. 5202. Certain proceedings conducted before referral.

Sec. 5203. Preliminary hearing required before referral to general court-martial.

Sec. 5204. Disposition guidance.

Sec. 5205. Advice to convening authority before referral for trial.

Sec. 5206. Service of charges and commencement of trial.

**SEC. 5201. CHARGES AND SPECIFICATIONS.**

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

**“§830. Art 30. Charges and specifications**

“(a) **IN GENERAL.**—Charges and specifications—

“(1) may be preferred only by a person subject to this chapter; and

“(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

“(b) **REQUIRED CONTENT.**—The writing under subsection (a) shall state that—

“(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

“(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

“(c) **DUTY OF PROPER AUTHORITY.**—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

“(1) inform the person accused of the charges and specifications; and

“(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.”

**SEC. 5202. CERTAIN PROCEEDINGS CONDUCTED BEFORE REFERRAL.**

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

**“§830a. Art. 30a. Certain proceedings conducted before referral**

“(a) **IN GENERAL.**—(1) Proceedings may be conducted to review the following matters before referral of charges and specifications to court-martial for trial in accordance with regulations prescribed by the President:

“(A) Pre-referral investigative subpoenas.

“(B) Pre-referral warrants or orders for electronic communications.

“(C) Pre-referral matters referred by an appellate court.

“(2) The regulations prescribed under paragraph (1) shall—

“(A) include procedures for the review of such rulings that may be ordered under this section as the President considers appropriate; and

“(B) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

“(3) If any matter in a proceeding under this section becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

“(b) **DETAIL OF MILITARY JUDGE.**—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

“(c) **DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.**—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1), other than a proceeding described in subparagraph (B) of that subsection, may designate a military magistrate to preside over the proceeding.”

**SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.**

(a) **IN GENERAL.**—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

**“§832. Art. 32. Preliminary hearing required before referral to general court-martial**

“(a) **IN GENERAL.**—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

“(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to

the convening authority and the convening authority determines that a hearing is not required.

“(2) The purpose of the preliminary hearing shall be limited to determining the following:

“(A) Whether or not the specification alleges an offense under this chapter.

“(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

“(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

“(D) A recommendation as to the disposition that should be made of the case.

“(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

“(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

“(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

“(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

“(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

“(C) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary hearing under subsection (e)) that includes the following:

“(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

“(2) Recommendations for any necessary modifications to the form of the charges or specifications.

“(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

“(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).”

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking “subsection (a)” in the first sentence and inserting “this section”;

(2) in paragraph (2), by striking “in defense” and all that follows through the end and inserting “that is relevant to the issues for determination under subsection (a)(2).”;

(3) in paragraph (3), by adding at the end the following new sentence: “A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).”; and

(4) in paragraph (4), by striking “the limited purposes of the hearing, as provided in subsection (a)(2)” and inserting “determinations under subsection (a)(2).”

(c) REFERENCE TO MCM.—Subsection (e) of such section (article) is amended by striking “as prescribed by the Manual for Courts-Martial” in the second sentence and inserting “under such rules as the President may prescribe”.

(d) EFFECT OF VIOLATION.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: “A defect in a report under subsection (c) is not a basis for

relief if the report is in substantial compliance with that subsection.”.

(e) CONFORMING AMENDMENTS.—The following provisions are each amended by striking “investigating officer” and inserting “preliminary hearing officer”:

(1) Section 806b(a)(3) of title 10, United States Code (article 6b(a)(3) of the Uniform Code of Military Justice).

(2) Section 825(d)(2) of such title (article 25(d)(2) of the Uniform Code of Military Justice).

(3) Section 826(d) of such title (article 26(d) of the Uniform Code of Military Justice).

#### SEC. 5204. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

#### “§833. Art 33. Disposition guidance

“The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the principles contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and evenhanded administration of Federal criminal law.”.

#### SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

#### “§834. Art. 34. Advice to convening authority before referral for trial

“(a) GENERAL COURT-MARTIAL.—

“(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

“(A) the specification alleges an offense under this chapter;

“(B) there is probable cause to believe that the accused committed the offense charged; and

“(C) a court-martial would have jurisdiction over the accused and the offense.

“(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

“(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

“(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

“(c) GENERAL AND SPECIAL COURTS-MARTIAL; CORRECTION OF CHARGES AND SPECIFICATIONS BEFORE REFERRAL.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

“(1) to correct errors in form; and

“(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

“(d) REFERRAL DEFINED.—In this section, the term ‘referral’ means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.”.

#### SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

#### “§835. Art. 35. Service of charges; commencement of trial

“(a) IN GENERAL.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

“(b) COMMENCEMENT OF TRIAL.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

“(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

“(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

“(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

“(3) This subsection shall not apply in time of war.”.

#### TITLE LVII—TRIAL PROCEDURE

Sec. 5221. Duties of assistant defense counsel.

Sec. 5222. Sessions.

Sec. 5223. Technical amendment relating to continuances.

Sec. 5224. Conforming amendments relating to challenges.

Sec. 5225. Statute of limitations.

Sec. 5226. Former jeopardy.

Sec. 5227. Pleas of the accused.

Sec. 5228. Subpoena and other process.

Sec. 5229. Refusal of person not subject to UCMJ to appear, testify, or produce evidence.

Sec. 5230. Contempt.

Sec. 5231. Depositions.

Sec. 5232. Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry.

Sec. 5233. Conforming amendment relating to defense of lack of mental responsibility.

Sec. 5234. Voting and rulings.

Sec. 5235. Votes required for conviction, sentencing, and other matters.

Sec. 5236. Findings and sentencing.

Sec. 5237. Plea agreements.

Sec. 5238. Record of trial.

#### SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking “, under the direction” and all that follows through “(article 27).”.

#### SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—  
 (A) in paragraph (3)—  
 (i) by striking “if permitted by regulations of the Secretary concerned,”; and  
 (ii) by striking “and” at the end;  
 (B) by redesignating paragraph (4) as paragraph (5); and  
 (C) by inserting after paragraph (3) the following new paragraph (4):

“(4) conducting a sentencing proceeding and sentencing the accused in non-capital cases unless the accused requests sentencing by members under section 825 of this title (article 25); and”;

and  
 (2) in the second sentence of subsection (c), by striking “, in cases in which a military judge has been detailed to the court.”.

**SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.**

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking “court-martial without a military judge” and inserting “summary court-martial”.

**SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.**

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking “, or, if none, the court,” in the second sentence;

(2) in subsection (a)(2), by striking “minimum” in the first sentence; and

(3) in subsection (b)(2), by striking “minimum”.

**SEC. 5225. STATUTE OF LIMITATIONS.**

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking “five years” and inserting “ten years”.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

“(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

“(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

“(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.”.

(c) DNA EVIDENCE.—Such section (article), as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

“(i) DNA EVIDENCE.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.”.

(d) CONFORMING AMENDMENTS.—Subsection (b)(2)(B) of such section (article) is amended by striking clauses (i) through (v) and inserting the following new clauses:

“(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120, 120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

“(ii) Maiming in violation of section 928a of this title (article 128a).

“(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

“(iv) Kidnapping in violation of section 925 of this title (article 125).”.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting “NO LIMITATION FOR CERTAIN OFFENSES.—” after “(a)”;

(2) in subsection (b), by inserting “FIVE-YEAR LIMITATION FOR TRIAL BY COURT-MARTIAL.—” after “(b)”;

(3) in subsection (c), by inserting “TOLLING FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM JUSTICE.—” after “(c)”;

(4) in subsection (d), by inserting “TOLLING FOR ABSENCE FROM US OR MILITARY JURISDICTION.—” after “(d)”;

(5) in subsection (e), by inserting “EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—” after “(e)”;

(6) in subsection (f), by inserting “EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—” after “(f)”;

(7) in subsection (g), by inserting “DEFECTIVE OR INSUFFICIENT CHARGES.—” after “(g)”.

(f) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

**SEC. 5226. FORMER JEOPARDY.**

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

“(A) after introduction of evidence; and

“(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

“(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

“(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

“(B) before announcement of findings under section 853 of this title (article 53); the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.”.

**SEC. 5227. PLEAS OF THE ACCUSED.**

(a) PLEAS OF GUILTY.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking “may be adjudged” and inserting “is mandatory”; and

(2) in the second sentence—

(A) by striking “or by a court-martial without a military judge”; and

(B) by striking “, if permitted by regulations of the Secretary concerned.”.

(b) HARMLESS ERROR.—Such section (article) is further amended by adding at the end the following new subsection:

“(c) HARMLESS ERROR.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.”.

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting “IRREGULAR AND SIMILAR PLEAS.—” after “(a)”;

(2) in subsection (b), by inserting “PLEAS OF GUILTY.—” after “(b)”.

**SEC. 5228. SUBPOENA AND OTHER PROCESS.**

(a) AMENDMENTS TO UCMJ ARTICLE.—

(1) IN GENERAL.—Subsection (a) of section 846 of title 10, United States Code (article 46 of the

Uniform Code of Military Justice), is amended by striking “The counsel for the Government, the counsel for the accused,” and inserting “In a case referred for trial by court-martial, the trial counsel, the defense counsel.”.

(2) SUBPOENA AND OTHER PROCESS GENERALLY.—Subsection (b) of such section (article) is amended to read as follows:

“(b) SUBPOENA AND OTHER PROCESS GENERALLY.—Any subpoena or other process issued under this section (article)—

“(1) shall be similar to that which courts of the United States having criminal jurisdiction may issue;

“(2) shall be executed in accordance with regulations prescribed by the President; and

“(3) shall run to any part of the United States and to the Commonwealths and possessions of the United States.”.

(3) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—Subsection (c) of such section (article) is amended to read as follows:

“(c) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—A subpoena or other process may be issued to compel a witness to appear and testify—

“(1) before a court-martial, military commission, or court of inquiry;

“(2) at a deposition under section 849 of this title (article 49); or

“(3) as otherwise authorized under this chapter.”.

(4) OTHER MATTERS.—Such section (article) is further amended by adding at the end the following new subsections:

“(d) SUBPOENA AND OTHER PROCESS FOR EVIDENCE.—

“(1) IN GENERAL.—A subpoena or other process may be issued to compel the production of evidence—

“(A) for a court-martial, military commission, or court of inquiry;

“(B) for a deposition under section 849 of this title (article 49);

“(C) for an investigation of an offense under this chapter; or

“(D) as otherwise authorized under this chapter.

“(2) INVESTIGATIVE SUBPOENA.—An investigative subpoena under paragraph (1)(C) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the Government to issue such a subpoena or a military judge issues such a subpoena pursuant to section 830a of this title (article 30a).

“(3) WARRANT OR ORDER FOR WIRE OR ELECTRONIC COMMUNICATIONS.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

“(e) REQUEST FOR RELIEF FROM SUBPOENA OR OTHER PROCESS.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

“(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

“(2) order the person to comply with the subpoena or other process.”.

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

“§846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial”.

(b) CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);

(B) in subsection (b)(1)(A); and

(C) in subsection (c)(1)(A);

by inserting after “warrant procedures” the following: “and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President”.

(2) Section 2711(3) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking “and” at the end and inserting “or”; and

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

“(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice) to which a military judge has been detailed; and”.

**SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.**

(a) IN GENERAL.—Subsection (a) of section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended to read as follows:

“(a) IN GENERAL.—(1) Any person described in paragraph (2) who—

“(A) willfully neglects or refuses to appear; or

“(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

“(2) The persons referred to in paragraph (1) are the following:

“(A) Any person not subject to this chapter who—

“(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and

“(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of extraordinary hardship, is advanced such fees and mileage.

“(B) Any person not subject to this chapter who is issued a subpoena or other process described in subsection (d) of section 846 of this title (article 46).”.

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

**“§847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence”.**

**SEC. 5230. CONTEMPT.**

(a) AUTHORITY TO PUNISH.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

“(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

“(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

“(B) disturbs the proceeding by any riot or disorder; or

“(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

“(2) A judicial officer referred to in paragraph (1) is any of the following:

“(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

“(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

“(C) Any military magistrate designated to preside under section 819 of this title (article 19).

“(D) The president of a court of inquiry.”.

(b) REVIEW.—Such section (article) is further amended—

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

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

“(c) REVIEW.—A punishment under this section—

“(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(g) of this title (article 66(g));

“(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a); and

“(3) if imposed by a court of inquiry, shall be subject to review by the convening authority in accordance with rules prescribed by the President.”.

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

**“§848. Art. 48. Contempt”.**

**SEC. 5231. DEPOSITIONS.**

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

**“§849. Art. 49. Depositions**

“(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.

“(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

“(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

“(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

“(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

“(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

“(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

“(c) ADMISSIBILITY AND USE AS EVIDENCE.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

“(d) CAPITAL CASES.—Testimony by deposition may be presented in capital cases only by the defense.”.

**SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.**

(a) IN GENERAL.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony that—

“(1) is recorded by audiotape, videotape, or similar method; and

“(2) is contained in the duly authenticated record of proceedings of a court of inquiry; is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (c).”.

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

**“§850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry”.**

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting “USE AS EVIDENCE BY ANY PARTY.—” after “(a)”; and

(2) in subsection (b), by inserting “USE AS EVIDENCE BY DEFENSE.—” after “(b)”; and

(3) in subsection (c), by inserting “USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—” after “(c)”.

**SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.**

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is amended by striking “, or the president of a court-martial without a military judge,”.

**SEC. 5234. VOTING AND RULINGS.**

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “, and by members of a court-martial without a military judge upon questions of challenge,” in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking “and, except for questions of challenge, the president of a court-martial without a military judge”; and

(B) in the second sentence, by striking “, or by the president” and all that follows through the end of the subsection and inserting “is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial.”; and

(3) in subsection (c), by striking “or the president of a court-martial without a military judge” in the matter before paragraph (1).

**SEC. 5235. VOTES REQUIRED FOR CONVICTION, SENTENCING, AND OTHER MATTERS.**

Section 852 of title 10, United States Code (article 52 of the Uniform Code of Military Justice), is amended to read as follows:

**“§852. Art. 52. Votes required for conviction, sentencing, and other matters**

“(a) IN GENERAL.—No person may be convicted of an offense in a general or special court-martial, other than—

“(1) after a plea of guilty under section 845(b) of this title (article 45(b));

“(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

“(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

“(b) LEVEL OF CONCURRENCE REQUIRED.—

“(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

“(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an

offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.”.

#### SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

##### “§853. Art. 53. Findings and sentencing

“(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

“(b) SENTENCING GENERALLY.—

“(1) GENERAL AND SPECIAL COURTS-MARTIAL.—

“(A) SENTENCING BY MILITARY JUDGE.—Except as provided in subparagraph (B), and in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused.

“(B) SENTENCING BY MEMBERS.—If the accused is convicted of an offense in a trial by general or special court-martial consisting of a military judge and members and the accused elects sentencing by members under section 825 of this title (article 25), the members shall sentence the accused.

“(C) SENTENCE OF THE ACCUSED.—The sentence determined pursuant to this paragraph constitutes the sentence of the accused.

“(2) SUMMARY COURTS-MARTIAL.—If the accused is convicted of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

“(c) SENTENCING FOR CAPITAL OFFENSES.—

“(1) IN GENERAL.—In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death, the members shall determine whether the sentence for that offense shall be death or a lesser authorized punishment.

“(2) LESSER AUTHORIZED PUNISHMENTS.—In accordance with regulations prescribed by the President, the court-martial may include in any sentence to death or life in prison without eligibility for parole other lesser punishments authorized under this chapter.

“(3) OTHER NON-CAPITAL OFFENSES.—In a capital case, if the accused is convicted of a non-capital offense, the accused shall be sentenced for such non-capital offense in accordance with subsection (b), regardless of whether the accused is convicted of an offense for which the court-martial may sentence the accused to death.”.

#### SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice), as amended by section 5236 of this Act, the following new section (article):

##### “§853a. Art. 53a. Plea agreements

“(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

“(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

“(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

“(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

“(b) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge of a general or special court-martial shall reject a plea agreement that—

“(1) contains a provision that has not been accepted by both parties;

“(2) contains a provision that is not understood by the accused; or

“(3) except as provided in subsection (c), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)).

“(c) LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM FOR CERTAIN OFFENSES.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

“(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

“(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

“(d) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.”.

#### SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court reporter, the record shall be certified by an official selected as the President may prescribe by regulation.”;

(2) in subsection (b)—

(A) by striking “(b) Each special and summary court-martial” and inserting “(b) SUMMARY COURTS-MARTIAL.—Each summary court-martial”; and

(B) by striking “authenticated” and inserting “certified”;

(3) by striking subsection (c) and inserting the following new subsection (c):

“(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

“(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.”;

(4) in subsection (d)—

(A) by striking “(d) A copy” and inserting “(d) COPY TO ACCUSED.—A copy”; and

(B) by striking “authenticated” and inserting “certified”; and

(5) in subsection (e)—

(A) by striking “(e) In the case” and inserting “(e) COPY TO VICTIM.—In the case”; and

(B) by striking “involving a sexual assault or other offense covered by section 920 of this title (article 120),” in the first sentence and inserting “, upon request,”; and

(C) by striking “authenticated” in the second sentence and inserting “certified”.

#### TITLE LVIII—SENTENCES

Sec. 5301. Sentencing.

Sec. 5302. Effective date of sentences.

Sec. 5303. Sentence of reduction in enlisted grade.

#### SEC. 5301. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

##### “§856. Art. 56. Sentencing

“(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense

may not exceed such limits as the President may prescribe for that offense.

“(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—(1) Except as provided in subsection (d) of section 853a of this title (article 53a), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

“(2) The offenses referred to in paragraph (1) are as follows:

“(A) Rape under subsection (a) of section 920 of this title (article 120).

“(B) Sexual assault under subsection (b) of such section (article).

“(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

“(D) Sexual assault of a child under subsection (b) of such section (article).

“(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

“(F) Conspiracy to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 881 of this title (article 81).

“(c) IMPOSITION OF SENTENCE.—

“(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

“(A) the nature and circumstances of the offense and the history and characteristics of the accused;

“(B) the impact of the offense on—

“(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

“(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

“(C) the need for the sentence—

“(i) to reflect the seriousness of the offense;

“(ii) to promote respect for the law;

“(iii) to provide just punishment for the offense;

“(iv) to promote adequate deterrence of misconduct;

“(v) to protect others from further crimes by the accused;

“(vi) to rehabilitate the accused; and

“(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service; and

“(D) the sentences available under this chapter.

“(2) SENTENCING BY MILITARY JUDGE.—In announcing the sentence in a general or special court-martial in which the accused is sentenced by a military judge alone under section 853 of this title (article 53), the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

“(3) SENTENCING BY MEMBERS.—In a general or special court-martial in which the accused has elected sentencing by members, the court-martial shall announce a single sentence for all of the offenses of which the accused was found guilty.

“(4) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—(A) If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

“(B) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

“(i) the sentence is set aside or otherwise modified as a result of—

“(I) action taken by the convening authority or the Secretary concerned; or

“(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

“(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

“(iii) the accused is pardoned.

“(d) APPEAL OF SENTENCE BY THE UNITED STATES.—(1) With the approval of the Judge Advocate General concerned, the Government may appeal a sentence to the Court of Criminal Appeals, on the grounds that—

“(A) the sentence violates the law; or

“(B) the sentence is plainly unreasonable.

“(2) An appeal under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).”

(b) CONFORMING AMENDMENT.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

**SEC. 5302. EFFECTIVE DATE OF SENTENCES.**

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

**“§ 857. Art. 57. Effective date of sentences**

“(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

“(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

“(A) the date that is 14 days after the date on which the sentence is adjudged; or

“(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

“(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

“(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

“(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

“(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

“(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.

“(b) DEFERRAL OF SENTENCES.—

“(1) IN GENERAL.—On application by an accused, the convening authority or, if the accused is no longer under his or her jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

“(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

“(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

“(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

“(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

“(4) STATE DEFINED.—In this subsection, the term ‘State’ includes the District of Columbia and any Commonwealth, territory, or possession of the United States.

“(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

“(c) APPELLATE REVIEW.—

“(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

“(A) a review under section 865 of this title (article 65) is completed; or

“(B) a review under section 866 of this title (article 66) is completed by a Court of Criminal Appeals and—

“(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

“(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or

“(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

“(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

“(II) such a petition is rejected by the Supreme Court; or

“(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.”

(b) CONFORMING AMENDMENTS.—

(1) Subchapter VIII of chapter 47 of title 10, United States Code, is amended by striking sec-

tion 857a (article 57a of the Uniform Code of Military Justice).

(2) Subchapter IX of chapter 47 of title 10, United States Code, is amended by striking section 871 (article 71 of the Uniform Code of Military Justice).

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is amended by striking “section 857(a) of this title (article 57(a))” and inserting “section 857 of this title (article 57)”.

**SEC. 5303. SENTENCE OF REDUCTION IN ENLISTED GRADE.**

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking “Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a” and inserting “A”;

(B) by striking “as approved by the convening authority” and inserting “as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)”;

(C) in the matter after paragraph (3), by striking “of that approval” and inserting “on which the judgment is so entered”;

(2) in subsection (b), by striking “disapproved, or, as finally approved” and inserting “reduced, or, as finally affirmed”.

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

Sec. 5321. Post-trial processing in general and special courts-martial.

Sec. 5322. Limited authority to act on sentence in specified post-trial circumstances.

Sec. 5323. Post-trial actions in summary courts-martial and certain general and special courts-martial.

Sec. 5324. Entry of judgment.

Sec. 5325. Waiver of right to appeal and withdrawal of appeal.

Sec. 5326. Appeal by the United States.

Sec. 5327. Rehearings.

Sec. 5328. Judge advocate review of finding of guilty in summary court-martial.

Sec. 5329. Transmittal and review of records.

Sec. 5330. Courts of Criminal Appeals.

Sec. 5331. Review by Court of Appeals for the Armed Forces.

Sec. 5332. Supreme Court review.

Sec. 5333. Review by Judge Advocate General.

Sec. 5334. Appellate defense counsel in death penalty cases.

Sec. 5335. Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate.

Sec. 5336. Extension of time for petition for new trial.

Sec. 5337. Restoration.

Sec. 5338. Leave requirements pending review of certain court-martial convictions.

**SEC. 5321. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.**

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

**“§ 860. Art 60. Post-trial processing in general and special courts-martial**

“(a) STATEMENT OF TRIAL RESULTS.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled ‘Statement of Trial Results’, which shall set forth—

“(A) each plea and finding;

“(B) the sentence, if any; and

“(C) such other information as the President may prescribe by regulation.

“(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

“(b) **POST-TRIAL MOTIONS.**—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

“(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

“(2) are subject to resolution by the military judge before entry of judgment.”.

**SEC. 5322. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.**

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5321 of this Act, the following new section (article):

**“§860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances**

“(a) **IN GENERAL.**—(1) The convening authority of a general or special court-martial described in paragraph (2)—

“(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

“(B) may not act on the findings of the court-martial.

“(2) The courts-martial referred to in paragraph (1) are the following:

“(A) A general or special court-martial in which the maximum sentence of confinement established under subsection (a) of section 856 of this title (article 56) for any offense of which the accused is found guilty is more than two years.

“(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

“(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

“(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.

“(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

“(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

“(b) **REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.**—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

“(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

“(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(C) A sentence of death.

“(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

“(c) **SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.**—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend—

“(A) a sentence of confinement, in whole or in part; or

“(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(2) The convening authority may not, under paragraph (1)—

“(A) suspend a mandatory minimum sentence; or

“(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

“(d) **REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.**—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

“(e) **SUBMISSIONS BY ACCUSED AND VICTIM.**—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

“(A) procedures for notice of the opportunity to make such submissions;

“(B) the deadlines for such submissions; and

“(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

“(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

“(f) **DECISION OF CONVENING AUTHORITY.**—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

“(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

“(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.”.

**SEC. 5323. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.**

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5322 of this Act, the following new section (article):

**“§860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial**

“(a) **IN GENERAL.**—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

“(A) dismiss any charge or specification by setting aside the finding of guilty;

“(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

“(C) disapprove the findings and the sentence and dismiss the charges and specifications;

“(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

“(E) disapprove, commute, or suspend the sentence, in whole or in part; or

“(F) disapprove the sentence and order a rehearing as to the sentence.

“(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

“(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

“(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

“(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

“(b) **LIMITATIONS ON REHEARINGS.**—The convening authority may not order a rehearing under this section—

“(1) as to the findings, if there is insufficient evidence in the record to support the findings;

“(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

“(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter.

“(c) **SUBMISSIONS BY ACCUSED AND VICTIM.**—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

“(d) **DECISION OF CONVENING AUTHORITY.**—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

“(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.”.

**SEC. 5324. ENTRY OF JUDGMENT.**

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5323 of this Act, the following new section (article):

**“§860c. Art. 60c. Entry of judgment**

“(a) **ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.**—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

“(A) The Statement of Trial Results under section 860 of this title (article 60).

“(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

“(i) any post-trial action by the convening authority; or

“(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

“(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

“(A) provided to the accused and to any victim of the offense; and

“(B) made available to the public.

“(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be recorded and distributed under rules prescribed by the President.”.

**SEC. 5325. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.**

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:

**“§861. Art. 61. Waiver of right to appeal; withdrawal of appeal**

“(a) WAIVER OF RIGHT TO APPEAL.—After entry of judgment in a general or special court-martial, under procedures prescribed by the Secretary concerned, the accused may waive the right to appellate review in each case subject to such review under section 866 of this title (article 66). Such a waiver shall be—

“(1) signed by the accused and by defense counsel; and

“(2) attached to the record of trial.

“(b) WITHDRAWAL OF APPEAL.—In a general or special court-martial, the accused may withdraw an appeal at any time.

“(c) DEATH PENALTY CASE EXCEPTION.—Notwithstanding subsections (a) and (b), an accused may not waive the right to appeal or withdraw an appeal with respect to a judgment that includes a sentence of death.

“(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).”.

**SEC. 5326. APPEAL BY THE UNITED STATES.**

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1) of subsection (a)—

(A) in the matter before subparagraph (A), by striking “court-martial” and all that follows through the colon at the end and inserting “general or special court-martial, or in a pre-trial proceeding under section 830a of this title (article 30a), the United States may appeal the following.”; and

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

“(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.”;

(2) in paragraph (2) of subsection (a)—

(A) by striking “(2)” and inserting “(2)(A)”;

and

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

“(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44).”; and

(3) by adding at the end the following:

“(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

“(e) The provisions of this section shall be liberally construed to effect its purposes.”.

**SEC. 5327. REHEARINGS.**

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a)” before “Each rehearing”;

(2) in the second sentence, by striking “may be approved” and inserting “may be adjudged”;

(3) by striking the third sentence; and

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

“(b) If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does

not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

“(c) If, after appeal by the Government under section 856(d) of this title (article 56(d)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence, subject to such limitations as the President may prescribe by regulation.”.

**SEC. 5328. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.**

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), is amended by striking the first two sentences and inserting the following:

“(a) IN GENERAL.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading of such section (article) is amended to read as follows:

**“§864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.”**

(2) Subsection (b) of such section (article) is amended—

(A) by striking “(b) The record” and inserting “(b) RECORD.—The record”;

(B) in paragraph (1), by adding “or” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (c)(3) of such section (article) is amended by striking “section 869(b) of this title (article 69(b)).” and inserting “section 869 of this title (article 69).”.

**SEC. 5329. TRANSMITTAL AND REVIEW OF RECORDS.**

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

**“§865. Art. 65. Transmittal and review of records**

“(a) TRANSMITTAL OF RECORDS.—

“(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

“(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

“(b) CASES FOR DIRECT APPEAL.—

“(1) AUTOMATIC REVIEW.—If the judgment includes a sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable discharge or bad-conduct discharge, or confinement for 2 years or more, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(2) of this title (article 66(b)(2)).

“(2) CASES ELIGIBLE FOR DIRECT APPEAL REVIEW.—

“(A) IN GENERAL.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

“(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

“(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

“(B) INAPPLICABILITY.—Subparagraph (A) shall not apply if the accused—

“(i) waives the right to appeal under section 861 of this title (article 61); or

“(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

“(c) NOTICE OF RIGHT TO APPEAL.—

“(1) IN GENERAL.—The Judge Advocate General shall provide notice to the accused of the right to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

“(2) INAPPLICABILITY UPON WAIVER OF APPEAL.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

“(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

“(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

“(2) REVIEW OF CASES NOT ELIGIBLE FOR DIRECT APPEAL.—

“(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).

“(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

“(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

“(ii) A conclusion as to whether the charge and specification stated an offense.

“(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

“(iv) A response to each allegation of error made in writing by the accused.

“(3) REVIEW WHEN DIRECT APPEAL IS WAIVED, WITHDRAWN, OR NOT FILED.—

“(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

“(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

“(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of section 866(b)(1) of this title (article 66(b)(1)).

“(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

“(e) REMEDY.—

“(1) IN GENERAL.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

“(2) REHEARING.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

“(3) REMEDY WITHOUT REHEARING.—

“(A) DISMISSAL WHEN NO REHEARING ORDERED.—If the Judge Advocate General sets aside findings and sentence and does not order

a rehearing, the Judge Advocate General shall dismiss the charges.

“(B) DISMISSAL WHEN REHEARING IMPRACTICAL.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.”.

**SEC. 5330. COURTS OF CRIMINAL APPEALS.**

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking “subsection (f)” and inserting “subsection (h)”;

(2) in the fourth sentence, by inserting after “highest court of a State” the following: “and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge”; and

(3) by adding at the end the following new sentence: “In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.”.

(b) REVISION OF APPELLATE PROCEDURES.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (g), (h), (i), and (j), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

“(b) REVIEW.—

“(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction over a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

“(A) On appeal by the accused in a case in which the sentence extends to confinement for more than six months and the case is not subject to automatic review under paragraph (3).

“(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

“(C) On appeal by the accused in a case that the Judge Advocate General has sent to the Court of Criminal Appeals for review of the sentence under section 856(d) of this title (article 56(d)).

“(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

“(2) REVIEW OF CERTAIN SENTENCES.—A Court of Criminal Appeals shall have jurisdiction over all cases that the Judge Advocate General orders sent to the Court for review under section 856(d) of this title (article 56(d)).

“(3) AUTOMATIC REVIEW.—A Court of Criminal Appeals shall have jurisdiction over a court-martial in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable discharge or bad-conduct discharge, or confinement for 2 years or more.

“(c) TIMELINESS.—An appeal under subsection (b)(1) is timely if it is filed as follows:

“(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

“(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); or

“(B) the date set by the Court of Criminal Appeals by rule or order.

“(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

“(A) the end of the 90-day period beginning on the date the accused is notified that the ap-

plication for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

“(B) the date set by the Court of Criminal Appeals by rule or order.

“(d) DUTIES.—

“(1) CASES APPEALED BY ACCUSED.—In any case before the Court of Criminal Appeals under subsection (b), the Court may act only with respect to the findings and sentence as entered into the record under section 860c of this title (article 60c). The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

“(2) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

“(e) CONSIDERATION OF APPEAL OF SENTENCE BY THE UNITED STATES.—

“(1) IN GENERAL.—In considering a sentence on appeal or review as provided in section 856(d) of this title (article 56(d)), the Court of Criminal Appeals may consider—

“(A) whether the sentence violates the law; and

“(B) whether the sentence is plainly unreasonable.

“(2) RECORD ON APPEAL OR REVIEW.—In an appeal or review under this subsection or section 856(d) of this title (article 56(d)), the record on appeal or review shall consist of—

“(A) any portion of the record in the case that is designated as pertinent by either of the parties;

“(B) the information submitted during the sentencing proceeding; and

“(C) any information required by rule or order of the Court of Criminal Appeals.

“(f) LIMITS OF AUTHORITY.—

“(1) SET ASIDE OF FINDINGS.—

“(A) IN GENERAL.—If the Court of Criminal Appeals sets aside the findings, the Court—

“(i) may affirm any lesser included offense; and

“(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

“(B) DISMISSAL WHEN NO REHEARING ORDERED.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

“(C) DISMISSAL WHEN REHEARING IMPRACTICABLE.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

“(2) SET ASIDE OF SENTENCE.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

“(A) modify the sentence to a lesser sentence; or

“(B) order a rehearing.

“(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.”.

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (g) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking “convening authority” and inserting “appropriate authority”; and

(2) by striking the last sentence.

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

“§866. Art. 66. Courts of Criminal Appeals”.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting “COURTS OF CRIMINAL APPEALS.—” after “(a)”;

(2) in subsection (g), as redesignated by subsection (b)(1) of this section, by inserting “ACTION IN ACCORDANCE WITH DECISIONS OF COURTS.—” after “(g)”;

(3) in subsection (h), as so redesignated, by inserting “RULES OF PROCEDURE.—” after “(h)”;

(4) in subsection (i), as so redesignated, by inserting “PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—” after “(i)”;

(5) in subsection (j), as so redesignated, by inserting “INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—” after “(j)”.

**SEC. 5331. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.**

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after “the Judge Advocate General” the following: “, after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps.”.

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the fourth sentence as paragraph (4); and

(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “only with respect to” and all that follows through the end of the sentence and inserting “only with respect to—

“(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or

“(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.”.

**SEC. 5332. SUPREME COURT REVIEW.**

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before “Court of Appeals” the following: “United States”.

**SEC. 5333. REVIEW BY JUDGE ADVOCATE GENERAL.**

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:

“§869. Art. 69. Review by Judge Advocate General

“(a) IN GENERAL.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

“(b) TIMING.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

“(c) SCOPE.—(1)(A) In a case reviewed under section 864 or 865(b) of this title (article 64 or

65(b)), the Judge Advocate General may set aside the findings or sentence, in whole or in part on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

“(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

“(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

“(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

“(2) In a case reviewed under section 865(b) of this title (article 65(b)), review under this section is limited to the issue of whether the waiver or withdrawal of an appeal was invalid under the law. If the Judge Advocate General determines that the waiver or withdrawal of an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

“(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

“(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

“(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

“(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

“(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

“(B) the application is filed not later than the earlier of—

“(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

“(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for delivery by first-class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record.

“(3) The submission of an application for review under this subsection does not constitute a proceeding before the Court of Criminal Appeals for purposes of section 870(c)(1) of this title (article 70(c)(1)).

“(e) ACTION ONLY ON MATTERS OF LAW.—Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Criminal Appeals under subsection (d), the Court may take action only with respect to matters of law.”

**SEC. 5334. APPELLATE DEFENSE COUNSEL IN DEATH PENALTY CASES.**

Section 870 of title 10, United States Code (article 70 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(f) To the greatest extent practicable, in any capital case, at least one defense counsel under subsection (c) shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.”

**SEC. 5335. AUTHORITY FOR HEARING ON VACATION OF SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.**

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72 of the

Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: “The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.”

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

(1) in the last sentence of subsection (a), by striking “if he so desires” and inserting “if the probationer so desires”; and

(2) in the second sentence of subsection (b)—

(A) by striking “If he” and inserting “If the officer exercising general court-martial jurisdiction”; and

(B) by striking “section 871(c) of this title (article 71(c))” and inserting “section 857 of this title (article 57)”.

**SEC. 5336. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.**

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking “two years after approval by the convening authority of a court-martial sentence” and inserting “three years after the date of the entry of judgment under section 860c of this title (article 60c)”.

**SEC. 5337. RESTORATION.**

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.”

**SEC. 5338. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.**

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking “, as approved under section 860 of this title (article 60),”; and

(2) in the second sentence, by striking “on which the sentence is approved under section 860 of this title (article 60)” and inserting “of the entry of judgment under section 860c of this title (article 60c)”.

**TITLE LX—PUNITIVE ARTICLES**

Sec. 5401. Reorganization of punitive articles.

Sec. 5402. Conviction of offense charged, lesser included offenses, and attempts.

Sec. 5403. Soliciting commission of offenses.

Sec. 5404. Malingering.

Sec. 5405. Breach of medical quarantine.

Sec. 5406. Missing movement; jumping from vessel.

Sec. 5407. Offenses against correctional custody and restriction.

Sec. 5408. Disrespect toward superior commissioned officer; assault of superior commissioned officer.

Sec. 5409. Willfully disobeying superior commissioned officer.

Sec. 5410. Prohibited activities with military recruit or trainee by person in position of special trust.

Sec. 5411. Offenses by sentinel or lookout.

Sec. 5412. Disrespect toward sentinel or lookout.

Sec. 5413. Release of prisoner without authority; drinking with prisoner.

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Sec. 5417. Impersonation offenses.

Sec. 5418. Insignia offenses.

Sec. 5419. False official statements; false swearing.

Sec. 5420. Parole violation.

Sec. 5421. Wrongful taking, opening, etc. of mail matter.

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Sec. 5423. Leaving scene of vehicle accident.

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Sec. 5425. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.

Sec. 5426. Endangerment offenses.

Sec. 5427. Communicating threats.

Sec. 5428. Technical amendment relating to murder.

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Sec. 5434. Robbery.

Sec. 5435. Receiving stolen property.

Sec. 5436. Offenses concerning Government computers.

Sec. 5437. Bribery.

Sec. 5438. Graft.

Sec. 5439. Kidnapping.

Sec. 5440. Arson; burning property with intent to defraud.

Sec. 5441. Assault.

Sec. 5442. Burglary and unlawful entry.

Sec. 5443. Stalking.

Sec. 5444. Subornation of perjury.

Sec. 5445. Obstructing justice.

Sec. 5446. Misprision of serious offense.

Sec. 5447. Wrongful refusal to testify.

Sec. 5448. Prevention of authorized seizure of property.

Sec. 5449. Wrongful interference with adverse administrative proceeding.

Sec. 5450. Retaliation.

Sec. 5451. Extraterritorial application of certain offenses.

Sec. 5452. Table of sections.

**SEC. 5401. REORGANIZATION OF PUNITIVE ARTICLES.**

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:

(1) ENLISTMENT AND SEPARATION.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) NONCOMPLIANCE WITH PROCEDURAL RULES.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) CAPTURED OR ABANDONED PROPERTY.—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to appear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) **STALKING.**—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) **FORGERY.**—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) **MAIMING.**—

(A) **IN GENERAL.**—Section 924 (article 124) is transferred so as to appear after section 928 (article 128) and is redesignated as section 928a (article 128a).

(B) **CONFORMING AMENDMENTS.**—Section 919a(b) (article 919a(b)) is amended—

(i) by striking “924,” and inserting “928a,”; and

(ii) by striking “124,” and inserting “128a”.

(14) **FRAUDS AGAINST THE UNITED STATES.**—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

**SEC. 5402. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.**

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:

**“§879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts**

“(a) **IN GENERAL.**—An accused may be found guilty of any of the following:

“(1) The offense charged.

“(2) A lesser included offense.

“(3) An attempt to commit the offense charged.

“(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

“(b) **LESSER INCLUDED OFFENSE DEFINED.**—In this section (article), the term ‘lesser included offense’ means—

“(1) an offense that is necessarily included in the offense charged; and

“(2) any lesser included offense so designated by regulation prescribed by the President.

“(c) **REGULATORY AUTHORITY.**—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.”.

**SEC. 5403. SOLICITING COMMISSION OF OFFENSES.**

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

**“§882. Art. 82. Soliciting commission of offenses**

“(a) **SOLICITING COMMISSION OF OFFENSES GENERALLY.**—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

“(b) **SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.**—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

“(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

“(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.”.

**SEC. 5404. MALINGERING.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 5403 of this Act, the following new section (article):

**“§883. Art. 83. Malingering**

“Any person subject to this chapter who, with the intent to avoid work, duty, or service—

“(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

“(2) intentionally inflicts self-injury; shall be punished as a court-martial may direct.”.

**SEC. 5405. BREACH OF MEDICAL QUARANTINE.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 5404 of this Act, the following new section (article):

**“§884. Art. 84. Breach of medical quarantine**

“Any person subject to this chapter—

“(1) who is ordered into medical quarantine by a person authorized to issue such order; and

“(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.”.

**SEC. 5406. MISSING MOVEMENT; JUMPING FROM VESSEL.**

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

**“§887. Art. 87. Missing movement; jumping from vessel**

“(a) **MISSING MOVEMENT.**—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

“(b) **JUMPING FROM VESSEL INTO THE WATER.**—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.”.

**SEC. 5407. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(2) of this Act, the following new section (article):

**“§887b. Art. 87b. Offenses against correctional custody and restriction**

“(a) **ESCAPE FROM CORRECTIONAL CUSTODY.**—Any person subject to this chapter—

“(1) who is placed in correctional custody by a person authorized to do so;

“(2) who, while in correctional custody, is under physical restraint; and

“(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

“(b) **BREACH OF CORRECTIONAL CUSTODY.**—Any person subject to this chapter—

“(1) who is placed in correctional custody by a person authorized to do so;

“(2) who, while in correctional custody, is under restraint other than physical restraint; and

“(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

“(c) **BREACH OF RESTRICTION.**—Any person subject to this chapter—

“(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

“(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.”.

**SEC. 5408. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.**

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

**“§889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer**

“(a) **DISRESPECT.**—Any person subject to this chapter who behaves with disrespect toward that person’s superior commissioned officer shall be punished as a court-martial may direct.

“(b) **ASSAULT.**—Any person subject to this chapter who strikes that person’s superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer’s office shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”.

**SEC. 5409. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.**

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

**“§890. Art. 90. Willfully disobeying superior commissioned officer**

“Any person subject to this chapter who willfully disobeys a lawful command of that person’s superior commissioned officer shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”.

**SEC. 5410. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice), the following new section (article):

**“§893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust**

“(a) **ABUSE OF TRAINING LEADERSHIP POSITION.**—Any person subject to this chapter—

“(1) who is an officer, a noncommissioned officer, or a petty officer;

“(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

“(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

“(b) **ABUSE OF POSITION AS MILITARY RECRUITER.**—Any person subject to this chapter—

“(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

“(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.

“(c) **CONSENT.**—Consent is not a defense for any conduct at issue in a prosecution under this section (article).

“(d) **DEFINITIONS.**—In this section (article):

“(1) **SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES.**—The term ‘specially protected junior member of the armed forces’ means—

“(A) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

“(B) a member of the armed forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; and

“(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

“(2) TRAINING LEADERSHIP POSITION.—The term ‘training leadership position’ means, with respect to a specially protected junior member of the armed forces, any of the following:

“(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers’ training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

“(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

“(3) APPLICANT FOR MILITARY SERVICE.—The term ‘applicant for military service’ means a person who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

“(4) MILITARY RECRUITER.—The term ‘military recruiter’ means a person who, under regulations prescribed by the Secretary concerned, has the primary duty to recruit persons for military service.

“(5) PROHIBITED SEXUAL ACTIVITY.—The term ‘prohibited sexual activity’ means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.”

**SEC. 5411. OFFENSES BY SENTINEL OR LOOKOUT.**

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(8) of this Act, is amended to read as follows:

**“§895. Art. 95. Offenses by sentinel or lookout**

“(a) DRUNK OR SLEEPING ON POST, OR LEAVING POST BEFORE BEING RELIEVED.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

“(b) LOITERING OR WRONGFULLY SITTING ON POST.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.”

**SEC. 5412. DISRESPECT TOWARD SENTINEL OR LOOKOUT.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5411 of this Act, the following new section (article):

**“§895a. Art. 95a. Disrespect toward sentinel or lookout**

“(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

“(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.”

**SEC. 5413. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.**

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:

**“§896. Art. 96. Release of prisoner without authority; drinking with prisoner**

“(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

“(1) who, without authority to do so, releases a prisoner; or

“(2) who, through neglect or design, allows a prisoner to escape; shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

“(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.”

**SEC. 5414. PENALTY FOR ACTING AS A SPY.**

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(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. 5415. PUBLIC RECORDS OFFENSES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5401(5) of this Act, the following new section (article):

**“§904. Art. 104. Public records offenses**

“Any person subject to this chapter who, willfully and unlawfully—

“(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

“(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record; shall be punished as a court-martial may direct.”

**SEC. 5416. FALSE OR UNAUTHORIZED PASS OFFENSES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(12) of this Act, the following new section (article):

**“§905a. Art. 105a. False or unauthorized pass offenses**

“(a) WRONGFUL MAKING, ALTERING, ETC.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

“(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

“(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.”

**SEC. 5417. IMPERSONATION OFFENSES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added by section 5416 of this Act, the following new section (article):

**“§906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official**

“(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

“(1) an officer, a noncommissioned officer, or a petty officer;

“(2) an agent of superior authority of one of the armed forces; or

“(3) an official of a government;

shall be punished as a court-martial may direct. “(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

“(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.”

**SEC. 5418. INSIGNIA OFFENSES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 5417 of this Act, the following new section (article):

**“§906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button**

“Any person subject to this chapter—

“(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

“(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person’s uniform or civilian clothing; shall be punished as a court-martial may direct.”

**SEC. 5419. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.**

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

**“§907. Art. 107. False official statements; false swearing**

“(a) FALSE OFFICIAL STATEMENTS.—Any person subject to this chapter who, with intent to deceive—

“(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

“(2) makes any other false official statement knowing it to be false; shall be punished as a court-martial may direct.

“(b) FALSE SWEARING.—Any person subject to this chapter—

“(1) who takes an oath that—

“(A) is administered in a matter in which such oath is required or authorized by law; and

“(B) is administered by a person with authority to do so; and

“(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.”

**SEC. 5420. PAROLE VIOLATION.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 5419 of this Act, the following new section (article):

**“§907a. Art. 107a. Parole violation**

“Any person subject to this chapter—

“(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

“(2) who violates the conditions of parole; shall be punished as a court-martial may direct.”

**SEC. 5421. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):

**“§909a. Art. 109a. Mail matter: wrongful taking, opening, etc.**

“(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

“(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.”

**SEC. 5422. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.**

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

**“§910. Art. 110. Improper hazarding of vessel or aircraft**

“(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

“(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.”

**SEC. 5423. LEAVING SCENE OF VEHICLE ACCIDENT.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5422 of this Act, the following new section (article):

**“§911. Art. 111. Leaving scene of vehicle accident**

“(a) DRIVER.—Any person subject to this chapter—

“(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

“(2) who wrongfully leaves the scene of the accident—

“(A) without providing assistance to an injured person; or

“(B) without providing personal identification to others involved in the accident or to appropriate authorities; shall be punished as a court-martial may direct.

“(b) SENIOR PASSENGER.—Any person subject to this chapter—

“(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

“(2) who is the superior commissioned or non-commissioned officer of the driver of the vehicle or is the commander of the vehicle; and

“(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

“(A) without providing assistance to an injured person; or

“(B) without providing personal identification to others involved in the accident or to appropriate authorities; shall be punished as a court-martial may direct.”

**SEC. 5424. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.**

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

**“§912. Art. 112. Drunkenness and other incapacitation offenses**

“(a) DRUNK ON DUTY.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

“(b) INCAPACITATION FOR DUTY FROM DRUNKENNESS OR DRUG USE.—Any person subject to this chapter who, as a result of indulgence in

any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

“(c) DRUNK PRISONER.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.”

**SEC. 5425. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.**

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(9) of this Act, is amended—

(1) by striking “0.10 grams” both places it appears and inserting “0.08 grams”; and

(2) by adding at the end the following new sentence: “The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.”

**SEC. 5426. ENDANGERMENT OFFENSES.**

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

**“§914. Art. 114. Endangerment offenses**

“(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

“(1) is wrongful and reckless or is wanton; and

“(2) is likely to produce death or grievous bodily harm to another person; shall be punished as a court-martial may direct.

“(b) DUELING.—Any person subject to this chapter—

“(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

“(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority; shall be punished as a court-martial may direct.

“(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

“(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.”

**SEC. 5427. COMMUNICATING THREATS.**

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

**“§915. Art. 115. Communicating threats**

“(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

“(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

“(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term ‘false threat’ means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.”

**SEC. 5428. TECHNICAL AMENDMENT RELATING TO MURDER.**

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking “forcible sodomy.”

**SEC. 5429. CHILD ENDANGERMENT.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

**“§919b. Art. 119b. Child endangerment**

“Any person subject to this chapter—

“(1) who has a duty for the care of a child under the age of 16 years; and

“(2) who, through design or culpable negligence, endangers the child’s mental or physical health, safety, or welfare; shall be punished as a court-martial may direct.”

**SEC. 5430. RAPE AND SEXUAL ASSAULT OFFENSES.**

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

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

(2) in paragraph (2)—

(A) by striking “another person when” and inserting “another person—

“(B) when”; and

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

“(A) without the consent of the other person; or”

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:

“(1) SEXUAL ACT.—The term ‘sexual act’ means—

“(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

“(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

“(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.”

(2) SEXUAL CONTACT.—Paragraph (2) of such subsection is amended to read as follows:

“(2) SEXUAL CONTACT.—The term ‘sexual contact’ means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.”

(3) REPEAL OF DEFINITION OF BODILY HARM.—Such subsection is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking “or submission resulting from the use of force, threat of force, or placing another in fear”; and

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: “Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.”; and

(iii) in the last sentence, by striking “shall not” and inserting “does not”;

(B) in subparagraph (B), by striking “subparagraph (B) or (D)” and inserting “subparagraph (B) or (C)”; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) in the last sentence, by striking “, or whether” and all that follows and inserting a period.

(5) INCAPABLE OF CONSENTING.—Such subsection is further amended by adding at the end the following new paragraph (8):

“(8) INCAPABLE OF CONSENTING.—The term ‘incapable of consenting’ means the person is—  
“(A) incapable of appraising the nature of the conduct at issue; or

“(B) physically incapable of declining participation in, or communicating unwillingness to engage in, the sexual act at issue.”.

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Subsection (h)(1) of section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), is amended by inserting before the period at the end the following: “, except that the term ‘sexual act’ also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person”.

**SEC. 5431. DEPOSIT OF OBSCENE MATTER IN THE MAIL.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

**“§920a. Art. 120a. Mails: deposit of obscene matter**

“Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.”.

**SEC. 5432. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

**“§921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices**

“(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

“(1) a stolen credit card, debit card, or other access device;

“(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

“(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use; to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

“(b) ACCESS DEVICE DEFINED.—In this section (article), the term ‘access device’ has the meaning given that term in section 1029 of title 18.”.

**SEC. 5433. FALSE PRETENSES TO OBTAIN SERVICES.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5432 of this Act, the following new section (article):

**“§921b. Art. 121b. False pretenses to obtain services**

“Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.”.

**SEC. 5434. ROBBERY.**

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

**“§922. Art. 122. Robbery**

“Any person subject to this chapter who takes anything of value from the person or in the

presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.”.

**SEC. 5435. RECEIVING STOLEN PROPERTY.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 5434 of this Act, the following new section (article):

**“§922a. Art. 122a. Receiving stolen property**

“Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.”.

**SEC. 5436. OFFENSES CONCERNING GOVERNMENT COMPUTERS.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 5435 of this Act, the following new section (article):

**“§923. Art. 123. Offenses concerning Government computers**

“(a) IN GENERAL.—Any person subject to this chapter who—

“(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

“(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any Government computer; or

“(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization to a Government computer;

shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘computer’ has the meaning given that term in section 1030 of title 18.

“(2) The term ‘Government computer’ means a computer owned or operated by or on behalf of the United States Government.

“(3) The term ‘damage’ has the meaning given that term in section 1030 of title 18.”.

**SEC. 5437. BRIBERY.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(14) of this Act, the following new section (article):

**“§924a. Art. 124a. Bribery**

“(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

“(1) who occupies an official position or who has official duties; and

“(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person’s decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

“(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.”.

**SEC. 5438. GRAFT.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5437 of this Act, the following new section (article):

**“§924b. Art. 124b. Graft**

“(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

“(1) who occupies an official position or who has official duties; and

“(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested; shall be punished as a court-martial may direct.

“(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.”.

**SEC. 5439. KIDNAPPING.**

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

**“§925. Art. 125. Kidnapping**

“Any person subject to this chapter who wrongfully—

“(1) seizes, confines, inveigles, decoys, or carries away another person; and

“(2) holds the other person against that person’s will; shall be punished as a court-martial may direct.”.

**SEC. 5440. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.**

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

**“§926. Art. 126. Arson; burning property with intent to defraud**

“(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that person, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

“(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

“(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.”.

**SEC. 5441. ASSAULT.**

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

**“§928. Art. 128. Assault**

“(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

“(1) attempts to do bodily harm to another person;

“(2) offers to do bodily harm to another person; or

“(3) does bodily harm to another person; is guilty of assault and shall be punished as a court-martial may direct.

“(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

“(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

“(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

“(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

“(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

“(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.”

**SEC. 5442. BURGLARY AND UNLAWFUL ENTRY.**

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section 929a of such title (article 129a), as redesignated by section 5401(10) of this Act, are amended to read as follows:

**“§929. Art. 129. Burglary; unlawful entry**

“(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

“(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

“(1) the real property of another; or

“(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.”

**SEC. 5443. STALKING.**

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(11) of this Act, is amended to read as follows:

**“§930. Art. 130. Stalking**

“(a) IN GENERAL.—Any person subject to this chapter—

“(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

“(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

“(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘conduct’ means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

“(2) The term ‘course of conduct’ means—

“(A) a repeated maintenance of visual or physical proximity to a specific person;

“(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

“(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

“(3) The term ‘repeated’, with respect to conduct, means two or more occasions of such conduct.

“(4) The term ‘immediate family’, in the case of a specific person, means—

“(A) that person’s spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

“(B) any other person living in his or her household and related to him or her by blood or marriage.

“(5) The term ‘intimate partner’, in the case of a specific person, means—

“(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

“(B) a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”

**SEC. 5444. SUBORNATION OF PERJURY.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):

**“§931a. Art. 131a. Subornation of perjury**

“(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

“(1) to take an oath; and

“(2) to falsely testify, depose, or state upon such oath;

shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

“(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

“(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

“(2) The oath is administered by a person having authority to do so.

“(3) Upon the oath, the other person willfully makes or subscribes a statement.

“(4) The statement is material.

“(5) The statement is false.

“(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.”

**SEC. 5445. OBSTRUCTING JUSTICE.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article 131a of the Uniform Code of Military Justice), as added by section 5444 of this Act, the following new section (article):

**“§931b. Art. 131b. Obstructing justice**

“Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.”

**SEC. 5446. MISPRISION OF SERIOUS OFFENSE.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added by section 5445 of this Act, the following new section (article):

**“§931c. Art. 131c. Misprision of serious offense**

“Any person subject to this chapter—

“(1) who knows that another person has committed a serious offense; and

“(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible; shall be punished as a court-martial may direct.”

**SEC. 5447. WRONGFUL REFUSAL TO TESTIFY.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5446 of this Act, the following new section (article):

**“§931d. Art. 131d. Wrongful refusal to testify**

“Any person subject to this chapter who, in the presence of a court-martial, a board of offi-

cers, a military commission, a court of inquiry, a preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.”

**SEC. 5448. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5447 of this Act, the following new section (article):

**“§931e. Art. 131e. Prevention of authorized seizure of property**

“Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.”

**SEC. 5449. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5401(3) of this Act, the following new section (article):

**“§931g. Art. 131g. Wrongful interference with adverse administrative proceeding**

“Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent—

“(1) to influence, impede, or obstruct the conduct of the proceeding; or

“(2) otherwise to obstruct the due administration of justice; shall be punished as a court-martial may direct.”

**SEC. 5450. RETALIATION.**

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 5449 of this Act, the following new section (article):

**“§932. Art. 132. Retaliation**

“(a) IN GENERAL.—Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

“(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

“(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person; shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘protected communication’ means the following:

“(A) A lawful communication to a Member of Congress or an Inspector General.

“(B) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

“(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

“(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(2) The term ‘Inspector General’ has the meaning given that term in section 1034(h) of this title.

“(3) The term ‘covered individual or organization’ means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

“(4) The term ‘unlawful discrimination’ means discrimination on the basis of race, color, religion, sex, or national origin.”.

**SEC. 5451. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.**

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: “As used in the preceding sentence, the term ‘crimes and offenses not capital’ includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.”.

**SEC. 5452. TABLE OF SECTIONS.**

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

“SUBCHAPTER X—PUNITIVE ARTICLES

“Sec. Art.

“877. Art. 77. Principals.

“878. Art. 78. Accessory after the fact.

“879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.

“880. Art. 80. Attempts.

“881. Art. 81. Conspiracy.

“882. Art. 82. Soliciting commission of offenses.

“883. Art. 83. Malingering.

“884. Art. 84. Breach of medical quarantine.

“885. Art. 85. Desertion.

“886. Art. 86. Absence without leave.

“887. Art. 87. Missing movement; jumping from vessel.

“887a. Art. 87a. 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. 5501. Technical amendments relating to courts of inquiry.

Sec. 5502. Technical amendment to Article 136.

Sec. 5503. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.

Sec. 5504. Military justice case management; data collection and accessibility.

**SEC. 5501. 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) with respect to the Coast Guard, employed by the department in which the Coast Guard is operating when it is not operating as a service in the Navy, and”.

**SEC. 5502. TECHNICAL AMENDMENT TO ARTICLE 136.**

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 in the section heading.

**SEC. 5503. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.**

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)” and inserting “(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)”;

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

“(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

“(A) the initial entrance of the officer on active duty as an officer; or

“(B) the initial commissioning of the officer in a reserve component.

“(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.

“(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

“(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

“(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member’s personal examination; and

“(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.”.

**SEC. 5504. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.**

(a) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

**“§940a. Art. 140a. Case management; data collection and accessibility**

“The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

“(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

“(2) Case processing and management.

“(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

“(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

(2) STANDARDS AND CRITERIA.—Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect.

**TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS**

Sec. 5521. Military Justice Review Panel.

Sec. 5522. Annual reports.

**SEC. 5521. MILITARY JUSTICE REVIEW PANEL.**

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

**“§946. Art. 146. Military Justice Review Panel**

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the ‘Military Justice Review Panel’ (in this section referred to as the ‘Panel’).

“(b) MEMBERS.—

“(1) NUMBER OF MEMBERS.—The Panel shall be composed of thirteen members.

“(2) APPOINTMENT OF CERTAIN MEMBERS.—Each of the following shall appoint one member of the Panel:

“(A) The Secretary of Defense (in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy).

“(B) The Attorney General.

“(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

“(3) APPOINTMENT OF REMAINING MEMBERS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:

“(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(B) The Chief Justice of the United States.

“(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

“(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

“(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

“(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

“(f) REVIEWS AND REPORTS.—

“(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the implementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

“(2) SENTENCING DATA COLLECTION AND REPORT.—During fiscal year 2020, the Panel shall gather and analyze sentencing data collected from each of the armed forces from general and special courts-martial applying offense-based sentencing under section 856 of this title (article 56). The sentencing data shall include the number of accused who request member sentencing and the number who request sentencing by military judge alone, the offenses which the accused were convicted of, and the resulting sentence for each offense in each case. The Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall provide the sentencing data in the format and for the duration established by the chair of the Panel. Not later than October 31, 2020, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives through the Secretary of Defense a report setting forth the Panel’s findings and recommendations on the need for sentencing reform.

“(3) PERIODIC COMPREHENSIVE REVIEWS.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

“(4) PERIODIC INTERIM REVIEWS.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

“(5) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of such review and assessment, including the Panel’s findings and recommendations.

“(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

“(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

“(i) ADMINISTRATIVE MATTERS.—

“(1) MEMBERS TO SERVE WITHOUT PAY.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

“(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.

“(j) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.”

**SEC. 5522. ANNUAL REPORTS.**

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

**“§946a. Art. 146a. Annual reports**

“(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

“(b) SERVICE REPORTS.—Not later than December 31 each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

“(1) Data on the number and status of pending cases.

“(2) Information on the appellate review process, including—

“(A) information on compliance with processing time goals;

“(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

“(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

“(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

“(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

“(ii) to preside as military judges in cases under this chapter; and

“(iii) to perform the duties of Special Victims’ Counsel, when so designated under section 1044e of this title.

“(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

“(5) Such other matters regarding the operation of this chapter as may be appropriate.

“(c) SUBMISSION.—Each report under this section shall be submitted—

“(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

“(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.”

**TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES**

Sec. 5541. Amendments to UCMJ subchapter tables of sections.

Sec. 5542. Effective dates.

**SEC. 5541. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.**

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows:

(1) SUBCHAPTER II; APPREHENSION AND RESTRAINT.—The table of sections at the beginning of subchapter II is amended—

(A) by striking the item relating to section 810 (article 10) and inserting the following new item:

“810. Art. 10. Restraint of persons charged.”; and

(B) by striking the item relating to section 812 (article 12) and inserting the following new item:

“812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others.”.

(2) SUBCHAPTER V; COMPOSITION OF COURTS-MARTIAL.—The table of sections at the beginning of subchapter V is amended—

(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

“825. Art. 25a. Number of court-martial members in capital cases.”;

(B) by inserting after the item relating to section 826 (article 26) the following new item:

“826a. Art. 26a. Military magistrates.”; and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

“829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.”.

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VI is amended—

(A) by inserting after the item relating to section 830 (article 30) the following new item:

“830. Art. 30a. Certain proceedings conducted before referral.”; and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

“832. Art. 32. Preliminary hearing required before referral to general court-martial.

“833. Art. 33. Disposition guidance.

“834. Art. 34. Advice to convening authority before referral for trial.

“835. Art. 35. Service of charges; commencement of trial.”.

(4) SUBCHAPTER VII; TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VII is amended—

(A) by striking the items relating to sections 846 through 848 (articles 46 through 48) and inserting the following new items:

“846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.

“847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.

“848. Art. 48. Contempt.”;

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

“850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.”;

(C) by striking the items relating to section 852 (article 52) and inserting the following new item:

“852. Art. 52. Votes required for conviction, sentencing, and other matters.”; and

(D) by striking the item relating to section 853 (article 53) and inserting the following new items:

“853. Art. 53. Findings and sentencing.

“853a. Art. 53a. Plea agreements.”.

(5) SUBCHAPTER VIII; SENTENCES.—The table of sections at the beginning of subchapter VIII is amended—

(A) by striking the item relating to section 856 (article 56) and inserting the following new item:

“856. Art. 56. Sentencing.”; and

(B) by striking the items relating to sections 856a and 857a (articles 56a and 57a).

(6) SUBCHAPTER IX; POST-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter IX is amended—

(A) by striking the items relating to sections 860 and 61 (articles 60 and 61) and inserting the following new items:

“860. Art. 60. Post-trial processing in general and special courts-martial.

“860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances.

“860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.

“860c. Art. 60c. Entry of judgment.

“861. Art. 61. Waiver of right to appeal; withdrawal of appeal.”;

(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

“864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.

“865. Art. 65. Transmittal and review of records.

“866. Art. 66. Courts of Criminal Appeals.”;

(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

“869. Art. 69. Review by Judge Advocate General.”; and

(D) by striking the item relating to section 871 (article 71).

(7) SUBCHAPTER XI; MISCELLANEOUS PROVISIONS.—The table of sections at the beginning of subchapter XI is amended—

(A) by striking the item relating to section 936 (article 136) and inserting the following new item:

“936. Art. 136. Authority to administer oaths.”; and

(B) by inserting after the item relating to section 940 (article 140) the following new item:

“940a. Art. 140a. Case management; data collection and accessibility.”.

(8) SUBCHAPTER XII; UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 (article 146) and inserting the following new items:

“946. Art. 146. Military Justice Review Panel.

“946a. Art. 146a. Annual reports.”.

#### SEC. 5542. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) IMPLEMENTING REGULATIONS.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided in this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense com-

mitted before the effective date of such amendments.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to invalidate the prosecution of any offense committed before the effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regulations prescribing the authorized punishments for any offense committed before the effective date of the amendments made by title LVIII shall apply to the authorized punishments for the offense, as in effect at the time the offense is committed.

And the House agree to the same. From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

MAC THORNBERRY,  
J. RANDY FORBES,  
JEFF MILLER of Florida,  
JOE WILSON of South  
Carolina,  
FRANK A. LOBIONDO,  
MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS of Alabama,  
TRENT FRANKS of Arizona,  
K. MICHAEL CONAWAY,  
DOUG LAMBORN,  
ROBERT J. WITTMAN,  
CHRISTOPHER P. GIBSON,  
VICKY HARTZLER,  
JOSEPH J. HECK of Nevada,  
ELISE M. STEFANIK,  
ADAM SMITH of  
Washington,  
LORETTA SANCHEZ,  
SUSAN A. DAVIS of  
California,  
JAMES R. LANGEVIN,  
RICK LARSEN of  
Washington,  
JIM COOPER,  
MADELEINE Z. BORDALLO,  
JOE COURTNEY,  
NIKI TSONGAS,  
JOHN GARAMENDI,  
HENRY C. “HANK”  
JOHNSON, JR.  
JACKIE SPEIER,  
SCOTT H. PETERS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

DEVIN NUNES,  
MIKE POMPEO,

From the Committee on Education and the Workforce, for consideration of secs. 571–74 and 578 of the Senate bill, and secs. 571, 573, 1098E, and 3512 of the House amendment, and modifications committed to conference:

TIM WALBERG,  
BRETT GUTHRIE,  
ROBERT C. “BOBBY” SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 3112 and 3123 of the Senate bill, and secs. 346, 601, 749, 1045, 1090, 1095, 1673, 3119A, and 3119C of the House amendment, and modifications committed to conference:

ROBERT E. LATTA,  
BILL JOHNSON of Ohio,

From the Committee on Foreign Affairs, for consideration of secs. 828, 1006, 1007, 1050, 1056, 1089, 1204, 1211, 1221–23, 1231, 1232, 1242, 1243, 1247, 1252, 1253, 1255–58, 1260, 1263, 1264, 1271–73, 1276, 1283, 1301, 1302, 1531–33, and 1662 of the Senate bill, and secs. 926, 1011, 1013, 1083, 1084, 1098K, 1099B, 1099C, 1201, 1203, 1214, 1221–23, 1227, 1229, 1233, 1235, 1236, 1245, 1246, 1250, 1259A–59E, 1259J, 1259L, 1259P, 1259Q, 1259U, 1261, 1262, 1301–03, 1510, 1531–33, 1645, 1653, and 2804 of the House amendment, and modifications committed to conference:

EDWARD R. ROYCE,  
LEE M. ZELDIN,

From the Committee on Homeland Security, for consideration of secs. 564 and 1091 of the Senate bill, and secs. 1097, 1869, 1869A, and 3510 of the House amendment, and modifications committed to conference:

MICHAEL T. MCCAUL,  
DANIEL M. DONOVAN, Jr.,  
BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 829J, 829K, 944, 963, 1006, 1023–25, 1053, 1093, 1283, 3303, and 3304 of the Senate bill, and secs. 598, 1090, 1098H, 1216, 1261, and 3608 of the House amendment, and modifications committed to conference:

BOB GOODLATTE,  
DARRELL E. ISSA,

From the Committee on Natural Resources, for consideration of secs. 601, 2825, subtitle D of title XXVIII, and sec. 2852 of the Senate bill, and secs. 312, 601, 1090, 1098H, 2837, 2839, 2839A, subtitle E of title XXVIII, secs. 2852, 2854, 2855, 2864–66, title XXX, secs. 3508, 7005, and title LXXIII of the House amendment, and modifications committed to conference:

PAUL COOK,  
CRESENT HARDY,

From the Committee on Oversight and Government Reform, for consideration of secs. 339, 703, 819, 821, 829H, 829I, 861, 944, 1048, 1054, 1097, 1103–07, 1109–13, 1121, 1124, 1131–33, 1135 and 1136 of the Senate bill, and secs. 574, 603, 807, 832, 1048, 1088, 1095, 1098L, 1101, 1102, 1104–06, 1108–11, 1113, 1259C, and 1631 of the House amendment, and modifications committed to conference:

JASON CHAFFETZ,  
STEVE RUSSELL,

From the Committee on Science, Space, and Technology, for consideration of sec. 874 of the Senate bill and secs. 1605, 1673, and title XXXIII of the House amendment, and modifications committed to conference:

EDDIE BERNICE JOHNSON of  
Texas,

From the Committee on Small Business, for consideration of secs. 818, 838, 874, and 898 of the Senate bill, and title XVIII of the House amendment, and modifications committed to conference:

STEVE CHABOT,  
STEPHEN KNIGHT,

From the Committee on Transportation and Infrastructure, for consideration of secs. 541, 562, 601, 961, 3302–07, 3501, and 3502 of the Senate bill, and secs. 343, 601, 731, 835, 1043, 1671, 3119C, 3501, 3504, 3509, 3512, and title XXXVI of the House amendment, and modifications committed to conference:

DUNCAN HUNTER,  
DAVID ROUZER,  
SEAN PATRICK MALONEY of  
New York,

From the Committee on Veterans' Affairs, for consideration of secs. 706, 755, and 1431 of the Senate bill, and secs. 741, 1421, and 1864 of the House amendment, and modifications committed to conference:

DAVID P. ROE of Tennessee,  
MIKE BOST,

From the Committee on Ways and Means, for consideration of sec. 1271 of the Senate bill, and modifications committed to conference:

KEVIN BRADY of Texas,  
DAVID G. REICHERT,

*Managers on the Part of the House.*

JOHN MCCAIN,  
JAMES M. INHOFE,  
JEFF SESSION,  
ROGER F. WICKER,  
KELLY AYOTTE,  
DEB FISCHER,  
TOM COTTON,  
MIKE ROUNDS,  
JONI ERNST,  
THOM TILLIS,  
DAN SULLIVAN,  
LINDSEY GRAHAM,

TED CRUZ,  
JACK REED,  
BILL NELSON,  
CLAIRE MCCASKILL,  
JOE MANCHIN III,  
JEANNE SHAHEEN,  
RICHARD BLUMENTHAL,  
JOE DONNELLY,  
MAZIE K. HIRONO,  
TIM KAINÉ,  
ANGUS S. KING, Jr.  
MARTIN HEINRICH,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2943), 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

*Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items*

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV

(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

*Summary of discretionary authorizations and budget authority implication*

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2017 was \$608.0 billion. Of this amount, \$524.0 billion was requested for base Department of Defense programs, \$64.6 billion was requested for overseas contingency operations of which \$5.1 billion was for base requirements, \$19.2 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$0.2 billion for the Maritime Security Program.

The conference agreement would authorize \$611.2 billion in fiscal year 2017, including \$523.7 billion for base Department of Defense programs, \$67.8 billion for overseas contingency operations of which \$8.3 billion was for base requirements, \$19.4 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$0.3 billion for the Maritime Security Program.

The two tables preceding the detailed program adjustments in Division D of the accompanying joint statement of managers

summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2017 defense programs.

*Budgetary effects of this Act (sec. 4)*

The Senate bill contained a provision (sec. 4) that would require that the budgetary effects of this Act be determined in accordance with the procedures established in the Statutory Pay-As-You-Go Act of 2010 (title I of Public Law 111–139).

The House amendment contained no similar provision.

The House recedes.

#### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

##### TITLE I—PROCUREMENT

##### Subtitle A—Authorization of Appropriations

##### *Authorization of appropriations (sec. 101)*

The Senate bill contained a provision (sec. 101) that would authorize appropriations for procurement at the levels identified in section 4101 of division D of this Act.

The House amendment contained an identical provision (sec. 101).

The conference agreement includes this provision.

##### Subtitle B—Army Programs

##### *Multiyear procurement authority for AH-64E Apache helicopters (sec. 111)*

The Senate bill contained a provision (sec. 113) that would authorize the Secretary of the Army to enter into a multiyear contract for AH-64E Apache helicopters for fiscal years 2017 through 2021.

The House amendment contained an identical provision (sec. 111).

The conference agreement includes this provision.

##### *Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters (sec. 112)*

The Senate bill contained a provision (sec. 112) that would authorize the Secretary of the Army to enter into a multiyear contract for UH-60M/HH-60M Black Hawk helicopters for fiscal years 2017 through 2021.

The House amendment contained a similar provision (sec. 111) that would authorize the Secretary of the Army to enter into one or more multiyear contracts for UH-60M and HH-60M Black Hawk helicopters beginning in fiscal year 2017, in accordance with section 2306b of title 10, United States Code.

The Senate recedes.

##### *Distributed Common Ground System—Army increment 1 (sec. 113)*

The Senate bill contained a provision (sec. 111) that would require the Secretary of the Army to improve and tailor training for units equipped with the Distributed Common Ground System—Army Increment 1. The provision would also require the Secretary of the Army to rapidly identify and field a commercially available capability that meets tactical requirements, can integrate at the tactical unit level, is substantially easier for personnel to use, and requires less training.

The House amendment contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Defense to waive limitations if any adversely affect ongoing operational activities.

##### *Assessment of certain capabilities of the Department of the Army (sec. 114)*

The House amendment contained a provision (Sec. 113) that would require the Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, to provide an assessment to the congressional defense committees by April 1, 2017, of the ways, and associated costs, to reduce or eliminate shortfalls in responsiveness and capacity of the following capabilities:

(1) AH-64-equipped Attack Reconnaissance Battalion capacity to meet future needs;

(2) Air defense artillery (ADA) capacity, responsiveness, and the capability of short range ADA to meet existing and emerging threats (including unmanned aerial systems, cruise missiles, and manned aircraft), including an assessment of the potential for commercial-off-the-shelf solutions;

(3) Chemical, biological, radiological, and nuclear capabilities and modernization;

(4) Field artillery capabilities and the changes in doctrine and war plans resulting from the memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians, as well as required modernization or munition inventory shortfalls;

(5) Fuel distribution and water purification capacity and responsiveness;

(6) Army watercraft and port opening capabilities and responsiveness;

(7) Transportation (fuel, water, and cargo) capacity and responsiveness;

(8) Military police capacity; and

(9) Tactical mobility and tactical wheeled vehicle capacity and capability, to include adequacy of heavy equipment prime movers.

The Senate bill contained no similar provision.

The Senate recedes.

#### Subtitle C—Navy Programs

##### *Determination of vessel delivery dates (sec. 121)*

The Senate bill contained a provision (sec. 123) that would require the Secretary of the Navy to deem ship delivery to occur at the completion of the final phase of construction.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify the determination of vessel delivery dates and include such determination in title 10, United States Code.

##### *Incremental funding for detail design and construction of LHA replacement ship designated LHA 8 (sec. 122)*

The Senate bill contained a provision (sec. 121) that would allow the Secretary of the Navy to enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship, designated LHA-8. Subject to the availability of appropriations, 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.

The House amendment contained a similar provision (sec. 123).

The House recedes.

##### *Littoral Combat Ship (sec. 123)*

The Senate bill contained a provision (sec. 122) that would require an annual report on Littoral Combat Ship (LCS) mission packages, a certification on the acquisition inventory objective of LCS mission packages, a limitation on the use of funds to revise or deviate from revision three of the LCS acquisition strategy, and a repeal of a reporting requirement related to LCS mission modules.

The House amendment contained a similar provision (sec. 126).

The House recedes with an amendment that would:

(1) Replace the limitation on the use of funds to revise or deviate from revision three of the LCS acquisition strategy with a requirement that the Secretary of Defense provide a certification to the congressional defense committees prior to a revision or deviation from revision three of the LCS acquisition strategy. The conferees' intent is this

subsection be limited to those revisions or deviations that would result in a change to: the acquisition inventory objective of 40 ships, annual procurement quantities through fiscal year 2021, or the planned down-select to a single LCS prime contractor no later than fiscal year 2019; and

(2) Prohibit the Secretary of Defense from selecting a single contractor for the LCS or frigate program unless such selection is conducted using competitive procedures, performed for the purpose of constructing a frigate class ship, and occurs only after a frigate design has reached sufficient maturity and completeness.

##### *Limitation on use of sole-source shipbuilding contracts for certain vessels (sec. 124)*

The Senate bill contained a provision (sec. 124) that would prohibit funds from being used to enter into or prepare to enter into sole source contracts for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF) unless the Secretary of the Navy submits to the congressional defense committees a certification and a report.

The House amendment contained no similar provision.

The House recedes.

##### *Limitation on availability of funds for the Advanced Arresting Gear Program (sec. 125)*

The Senate bill contained a provision (sec. 125) that would limit funds for the Advanced Arresting Gear (AAG) to be installed on USS Enterprise (CVN-80) until the Secretary of Defense submits to the congressional defense committees the report described under section 2433a(c)(2) of title 10, United States Code, for the AAG program.

The provision would also direct the Secretary of Defense to deem the 2009 AAG acquisition program baseline as the original baseline estimate and to execute the requirements of sections 2433 and 2433a of title 10, United States Code, as though the Department had submitted a Selected Acquisition Report with this baseline estimate included. This action would provide clarity on the original baseline estimate, which is a necessary element of a Nunn-McCurdy review.

The House amendment contained no similar provision.

The House recedes with an amendment that would:

(1) Require the Navy to report on the AAG program in accordance with section 2432 of title 10, United States Code, which deals with Selected Acquisition Reports, instead of reporting in accordance with section 2433a(c) (2) which deals with critical cost growth in major defense acquisition programs;

(2) Add a limitation of funds for the AAG to be installed on USS John F. Kennedy (CVN-79) unless the Milestone Decision Authority (MDA) determines that AAG should be installed on that ship, and the MDA submits notification of such determination to the congressional defense committees;

(3) Establish the original baseline estimate for the AAG program and require the Secretary of Defense to execute the requirements of sections 2433 and 2433a of title 10, United States Code, but exempt the Department from having to rescind the milestone decision approval for the AAG program during the review required by those provisions; and

(4) During the review required by section 2433a of title 10, United States Code, allow the Secretary of Defense to approve contract action or actions to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the AAG program for CVN-80 only if the MDA, on a non-delegable basis, were to determine that such action would be needed to appropriately restructure the pro-

gram as intended by the Secretary of Defense.

The conferees note that, although the AAG program is now being managed as a Major Defense Acquisition Program, it began more than 10 years ago as an Acquisition Category II program, which limited transparency and insight of the Navy's acquisition and contract management. In 2015, the Comptroller General reported that the Department of Defense needed a better approach to manage Acquisition Category II programs, particularly those programs that have the potential to become Major Defense Acquisition Programs.

Therefore, the conferees direct the Comptroller General to review no fewer than five Navy aircraft launch and recovery equipment (ALRE) Acquisition Category II programs to determine:

(1) The roles and responsibilities for acquiring ALRE systems for major ship programs, and the relationship of these programs to the Navy's overall acquisition of the ship platform;

(2) How the acquisition and contracting practices for these programs compare to guidance, regulations, and best practices for acquisition management;

(3) How the Navy manages cost, schedule, and performance to meet ship delivery schedules, and what mechanisms, if any, are in place to periodically reassess assignment of such programs to a particular acquisition category;

(4) Recommendations to improve the Navy's performance in managing ALRE and other Acquisition Category II programs; and

(5) Any other observations of the Comptroller General.

The conferees request a briefing to the congressional defense committees no later than June 1, 2017, to be followed by a report.

##### *Limitation on availability of funds for procurement of U.S.S. Enterprise (CVN-80) (sec. 126)*

The Senate bill contained a provision (sec. 126) that would limit more than 25 percent of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS John F. Kennedy (CVN-79) or USS Enterprise (CVN-80) from being obligated or expended until the Secretary of the Navy and Chief of Naval Operations submit a report to the congressional defense committees.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the limitation of funds on CVN-79 and terminate this section on September 30, 2021.

##### *Sense of Congress on aircraft carrier procurement schedules (sec. 127)*

The House amendment contained a provision (sec. 122) that would provide the sense of Congress that the Secretary of the Navy's schedule to procure 1 aircraft carrier every 5 years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements. The section would also recommend that the Secretary begin construction for the Ford-class aircraft carrier designated CVN-81 in fiscal year 2022 and align advance procurement activities with this accelerated programming.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would remove the reference to CVN-81. Report on P-8 Poseidon aircraft (sec. 128)

The House amendment contained a provision that would require the Secretary of the Navy to submit to the congressional defense

committees a report regarding future capabilities for the P-8 Poseidon aircraft.

The Senate bill contained no similar provision.

The Senate recedes.

*Design and construction of replacement dock landing ship designated LX(R) or amphibious transport dock designated LPD-29 (sec. 129)*

The House amendment contained a provision (sec. 124) that would authorize the Secretary of the Navy to enter into and incrementally fund a contract for design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD-29.

The Senate bill contained no similar provision.

The Senate recedes.

#### Subtitle D—Air Force Programs

*EC-130H Compass Call recapitalization program (sec. 131)*

The Senate bill contained a provision (Sec. 145) that would prohibit the availability of funds for the Air Force EC-130H Compass Call recapitalization program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

The House amendment contained no similar provision.

The House recedes with an amendment that strikes the full and open competition requirement, and authorizes the Secretary of the Air Force to obligate and expend fiscal year 2017 funds for the purpose of re-hosting the primary mission equipment of the current EC-130H Compass Call aircraft fleet on to a more operationally effective and survivable airborne platform to meet combatant commander requirements. The amendment limits procurement to the first two aircraft of the planned ten aircraft fleet until the Secretary determines there is a high likelihood the program will meet the requirements of the combatant commands.

The conferees agree the restructured EC-130H Compass Call program shall be implemented consistent with existing authorities, including Federal Acquisition Regulation Part 6.3 and Department of Defense Instruction 5000.02, "Operation of the Defense Acquisition System."

The conferees note the fiscal year 2017 funding adjustments to allow the Secretary of the Air Force to proceed with the program are outlined in Division D.

*Repeal of requirement to preserve certain retired C-5 aircraft (sec. 132)*

The Senate bill contained a provision (Sec. 143) that would repeal the requirement in Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) for the Secretary of the Air Force to preserve certain retired C-5 aircraft.

The House amendment contained a similar provision (Sec. 132).

The Senate recedes.

*Repeal of requirement to preserve F-117 aircraft in recallable condition (sec. 133)*

The Senate bill contained a provision (Sec. 144) that would repeal the requirement in Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2114) to preserve F-117 aircraft in recallable condition.

The House amendment contained a similar provision (Sec. 133).

The House recedes.

*Prohibition on availability of funds for retirement of A-10 aircraft (sec. 134)*

The Senate bill contained a provision (Sec. 141) that would amend section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending

the prohibition on obligation or expenditure of funds to retire or prepare to retire A-10 aircraft until the Secretary of the Air Force and Chief of Staff of the Air Force submit a report to the congressional defense committees describing their views on the results of an F-35A initial operational test and evaluation (IOT&E). The provision would also ensure the F-35A IOT&E includes comparison tests and evaluation of the F-35A and A-10C in conducting close air support, combat search and rescue, and airborne forward air controller missions. The provision would also require the Comptroller General of the United States to provide an independent assessment of the report from the Secretary and Chief of Staff.

The House amendment contained a similar provision (Sec. 134) that would prevent retirements of A-10 aircraft, but would allow the Secretary of the Air Force to transition the A-10 unit at Fort Wayne Air National Guard Base, Indiana, to an F-16 unit in fiscal year 2018, as the Secretary had proposed in the budget of the President for fiscal year 2017.

The Senate recedes.

The conferees agree that section (f)(2) of the House provision explicitly prevents the divestment of any A-10 aircraft if the special rule were to be invoked.

The conferees also agree the Comptroller General of the United States shall assess the conclusions and assertions contained in the Secretary's and Chief of Staff's report on the F-35A IOT&E, and submit a report to the congressional defense committees of such assessment not later than 90 days after the Secretary's and Chief of Staff's report is submitted.

The conferees also agree the Comptroller General's report shall include the following:

(1) An assessment of whether the conclusions and assertions included in the report submitted by the Secretary and Chief of Staff are comprehensive, fully supported, and sufficiently detailed; and

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

*Limitation on availability of funds for destruction of A-10 aircraft in storage status (sec. 135)*

The Senate bill contained a provision (Sec. 142) that would prohibit the availability of funds authorized to be appropriated by this Act or otherwise made available for the Air Force to be obligated for the purpose of scrapping, destroying, or otherwise disposing of any A-10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A-10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

The conferees agree the provision does not prevent the Air Force from reclaiming any usable parts or components on A-10 aircraft in any storage status for the purpose of keeping active inventory A-10 aircraft in flyable and mission capable condition.

*Prohibition on availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft (sec. 136)*

The House amendment contained a provision (Sec. 135) that would prohibit the availability of funds for retirement of Joint Surveillance Target Attack Radar System aircraft in fiscal year 2018.

The Senate bill contained no similar provision.

The Senate recedes.

*Elimination of annual report on aircraft inventory (sec. 137)*

The House amendment contained a provision (Sec. 131) that would strike the requirement in Section 231a of title 10, United States Code, for the Secretary of Defense to deliver an annual report on the military services' aircraft inventory to the congressional defense committees.

The Senate bill contained no similar provision.

The Senate recedes.

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

*Standardization of 5.56mm rifle ammunition (sec. 141)*

The House amendment contained a provision (sec. 146) that would require the Secretary of Defense to ensure that the Army and the Marine Corps are using in combat one standard type of enhanced 5.56mm rifle ammunition not later than one year after the date of the enactment of this Act with exceptions that require the Secretary of Defense to certify to the congressional defense committees the reasons why there are different 5.56mm rounds being used in combat.

The Senate bill contained no similar provision.

The Senate recedes.

*Fire suppressant and fuel containment standards for certain vehicles (sec. 142)*

The House amendment contained a provision (Sec. 142) that would require the Secretary of the Army, or his designee, and the Secretary of the Navy, or his designee, to establish and maintain policy guidance regarding the establishment of, and updates to, fire suppressant and fuel containment standards that meet survivability requirements across various classes of vehicles, including light tactical vehicles, medium tactical vehicles, heavy tactical vehicles, and ground combat vehicles for the Army and Marine Corps. This section would also require the Secretary of the Army and the Secretary of the Navy to provide a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, that contains policy guidance for each class of vehicle including armor, fire suppression systems, self-sealing material and containment technologies, and any other information as determined by the Secretaries.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for destruction of certain cluster munitions (sec. 143)*

The Senate bill contained a provision (section 152) that would limit the funds available for the destruction of cluster munitions until the Secretary of Defense submits a report on the Department's policy on, and plan for, cluster munitions.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the funds for the destruction of serviceable cluster munitions, but would allow the demilitarization of cluster munitions determined to be unserviceable due to a significant failure to meet performance or logistics requirements. Cluster munitions categorized as unserviceable solely due to current or amended Department of Defense policy related to cluster munitions would not meet this definition of unserviceable and would be subject to the limitation in this provision.

*Report on Department of Defense munitions strategy for the combatant commands (sec. 144)*

The House amendment contained a provision that would require the Secretary of Defense to submit to the congressional defense

committees a report on the munitions strategy of the combatant commands.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would reduce the time horizon for the strategy and modify the elements of the required report.

*Modifications to reporting on use of combat mission requirements funds (sec. 145)*

The House amendment contained a provision (sec. 141) that would amend the quarterly report requirement in section 123 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), to sunset the requirement for such reports on September 30, 2018.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change from quarterly to annually the requirement for the commander of U.S. Special Operations Command to submit a report on use of Combat Mission Requirements funds.

*Report on alternative management structures for the F-35 joint strike fighter program (sec. 146)*

The Senate bill contained a provision that would disestablish the F-35 Joint Program Office (JPO) and devolve relevant responsibilities to the Air Force and the Navy.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to disestablish the JPO and require the Secretary of Defense, no later than March 31, 2017, to submit to the congressional defense committees a report on potential options for the future management of the Joint Strike Fighter program.

*Comptroller General review of F-35 Lightning II aircraft sustainment support (sec. 147)*

The House amendment contained a provision (Sec. 144) that would direct the Comptroller General of the United States to conduct an analysis of the sustainment support strategy for the F-35 Joint Strike Fighter program.

The Senate bill contained no similar provision.

The Senate recedes.

*Briefing on acquisition strategy for Ground Mobility Vehicle (sec. 148)*

The House amendment contained a provision (Sec. 145) that would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Secretary of the Army, to provide a briefing to the congressional defense committees on the acquisition strategy for the ground mobility vehicle.

The Senate bill contained no similar provision.

The Senate recedes.

*Study and report on optimal mix of aircraft capabilities for the Armed Forces (sec. 149)*

The Senate bill contained a provision (Sec. 151) that would direct the Secretary of Defense to obtain an independent study on the future mix of aircraft platforms for the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment changing the study to be conducted by the Secretary of Defense rather than by an independent entity, adds the congressional intelligence committees as recipients of the study report, and includes other minor technical corrections.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Funding for surface-to-air missile system*

The House amendment contained a provision (Section 114) that would authorize an in-

crease in funding for Missile Procurement, Army line 002, MSE missile, by \$84.2 million and decrease funding for Defense Nuclear Nonproliferation Research and Development, material management and minimization, by an equal \$84.2 million.

The Senate bill contained no similar provision.

The House recedes.

The outcome is reflected in sections 4101 and 4701 of the Act.

*Procurement authority for aircraft carrier programs*

The House amendment contained a provision (sec. 121) that would provide economic order quantity authority for the construction of two Ford-class aircraft carriers and incremental funding authority for the nuclear refueling and complex overhaul of five *Nimitz*-class aircraft carriers.

The Senate bill contained no similar provision.

The House recedes.

*Ship to shore connector program*

The House amendment contained a provision (sec. 125) that would authorize the Secretary of the Navy to enter into a contract for the procurement of up to 45 Ship to Shore Connector vessels.

The Senate bill contained no similar provision.

The House recedes.

*Limitation on availability of funds for Tactical Combat Training System Increment II*

The Senate bill contained a provision (sec. 127) that would limit the obligation or expenditure of 25 percent of funds for the Tactical Combat Training Systems (TCTS) Increment II program until 60 days after the Secretary of the Navy submitted the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained a similar provision (sec. 218) that would limit the obligation or expenditure of 20 percent of the funds for TCTS Increment II until the Secretary of the Navy and Secretary of the Air Force provided the required report.

The conference agreement includes neither provision. Because the Secretary of the Navy submitted the required report in May 2016, the limitation on availability of funds within these provisions is no longer applicable.

However, the conferees remain concerned about training gaps, both in live and simulated environments, for pilots in fourth and fifth-generation aircraft. Pilots will have to operate these aircraft with advanced weapon systems in highly complex anti-access, area denial environments. The conferees recognize the importance of developing higher fidelity interoperable training for combat pilots using live-virtual-constructive (LVC) exercises. Such exercises should allow the Department to simulate a broader range of threat system capabilities that enable training aircraft pilots under more realistic combat conditions.

Therefore, the conferees expect the Department of Defense to apply the necessary focus and resources to develop and support LVC training as soon as possible.

*Prohibition on availability of funds for retirement of U-2 aircraft*

The House amendment contained a provision (Sec. 137) that would prohibit the availability of funds for the retirement of U-2 aircraft.

The Senate bill contained no similar provision.

The House recedes. Section 133 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) prohibits the Secretary of the Air Force from taking any action that would prevent the Air Force

from maintaining the U-2 aircraft fleet in its current configuration and capability beyond fiscal year 2016. The conferees agree that this provision remains in full force and effect.

*Medium Altitude Intelligence, Surveillance, and Reconnaissance aircraft*

The Senate bill contained a provision (sec. 153) that would prohibit the obligation or expenditure of funds for the acquisition of Medium Altitude Intelligence, Surveillance, and Reconnaissance (MAISR) aircraft in fiscal year 2017 until the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC), in consultation with the Commander of U.S. Special Operations Command (SOCOM), provides the congressional defense committees with a report on the manned ISR requirements of the command and how such an acquisition aligns with the SOCOM ISR Roadmap.

The House amendment contained no similar provision.

The Senate recedes.

The conferees understand that a SOCOM analysis determined that the cost avoidance of acquiring versus leasing MAISR aircraft is approximately \$1.3 million per month with a break even return on investment of approximately 11 months. However, the conferees believe that procurement of ISR aircraft should not be ad hoc, but instead be a deliberate acquisition informed by an analysis of alternatives that fully considers changing requirements, threats, capabilities, tactics, and resource constraints. Therefore, the conferees direct ASD SOLIC and SOCOM to provide an interim briefing on the scope, methodology and timeline for the Next Generation Manned ISR Study and Analysis of Alternatives no later than 90 days after enactment of this Act.

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

##### Subtitle A—Authorization of Appropriations

*Authorization of appropriations (sec. 201)*

The Senate bill contained a provision (sec. 201) that would authorize appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4201 of division D of this Act.

The House amendment contained an identical provision (sec. 201).

The conference agreement includes this provision.

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

*Laboratory quality enhancement program (sec. 211)*

The House amendment contained a provision (sec. 211) that would require the establishment of a Laboratory Quality Enhancement Program to support the analysis and implementation of current policies, as well as make recommendations for new initiatives to support the improvement and enhancement of the Department of Defense's Science and Technology Reinvention Laboratories. The House provision would also align management of the laboratory demonstration program with the Assistant Secretary of Defense for Research and Engineering.

The Senate bill contained a provision (sec. 1126) that would align management of the laboratory demonstration program with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The Senate recedes with an amendment to adjust the membership of the panel and to emphasize that the goal of the laboratory personnel system should be to support the efficient operations of those institutions.

*Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions (sec. 212)*

The Senate bill contained a provision (sec. 211) that would raise the limit of funds authorized under Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) up to four percent of all funds available to a laboratory. The provision would also eliminate the sunset date for authorization of this authority.

The House amendment contained a similar provision (sec. 212) that would set the level of funding at three percent, eliminate the sunset date, and allow certain federally funded research and development centers to use this authority.

The House recedes with an amendment that would set the level of Section 219 funding at between two and four percent.

*Making permanent authority for defense research and development rapid innovation program (sec. 213)*

The Senate bill contained a provision (sec. 212) that would repeal the sunset provision of the Rapid Innovation Program and make the authorization of the program permanent.

The House amendment contained no similar provision.

The House recedes.

*Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements (sec. 214)*

The Senate bill contained a provision (sec. 213) that would authorize the Defense Acquisition University and the National Defense University to enter into cooperative agreements, which involve the provision of grant money, and cooperative research and development agreements with universities, not-for-profit institutions, and other entities to support their designated missions.

The House amendment contained no similar provision.

The House recedes.

*Manufacturing engineering education grant program (sec. 215)*

The Senate bill contained a provision (sec. 214) that would allow the Department of Defense to provide grants to institutions of higher education, including technical and community colleges, for the purposes of enhancing education in manufacturing engineering.

The House amendment contained no similar provision.

The House recedes with technical amendments to clarify several aspects of the grant program.

*Notification requirement for certain rapid prototyping, experimentation, and demonstration activities (sec. 216)*

The House amendment contained a provision (sec. 213) that would require the Secretary of the Navy to provide written notification to the congressional defense committees within 10 days before initiating a rapid prototyping, experimentation, or demonstration activity using funds from PE 63382N (Navy Advanced Combat Systems Technology).

The Senate bill contained no similar provision.

The Senate recedes.

*Increased micro-purchase threshold for research programs and entities (sec. 217)*

The Senate bill contained a provision (sec. 215) that would increase the micro-purchase threshold in Department of Defense research and laboratories activities from \$3,000 to \$10,000. In raising the limit, this provision would allow appropriate organizations, such

as universities, defense labs, and other performers, to facilitate easy and administratively efficient purchasing of small dollar items.

The House amendment contained no similar provision.

The House recedes with an amendment to extend the increase in micro-purchase threshold to all research activities government-wide.

*Improved biosafety for handling of select agents and toxins (sec. 218)*

The House amendment contained a provision (sec. 214) that would direct the Department of Defense to implement several improvements for handling of select agents and toxins, as recommended from an Army 15-6 investigative report on the individual and institutional accountability for the shipment of viable *Bacillus Anthracis* from Dugway Proving Ground. This section would require the Department to implement a quality assurance and quality control program for any facility producing biological select agents and toxins, and for the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2017, on the potential consolidation of facilities that work with biological select agents and toxins. This section would also require the Comptroller General of the United States to submit a report to the congressional defense committees by September 1, 2017, on the effectiveness and completeness of the Department of Defense's actions taken to address the findings and recommendations of the Army 15-6 investigation.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Designation of Department of Defense senior official with principal responsibility for directed energy weapons (sec. 219)*

The Senate bill contained a provision (sec. 216) that would grant rapid acquisition authorities for directed energy weapons systems to accelerate the development and fielding of directed energy technology and to help offset the gains of potential adversaries. The Senate provision would also establish a joint directed energy program office at the Department of Defense.

The House amendment contained a provision (sec. 220) that would require the Secretary of Defense to designate a senior official already serving within the Department of Defense as a senior official with principal responsibility for the development and demonstration of directed energy weapons for the Department.

The Senate recedes with an amendment that would require the senior designated official to develop a strategic roadmap for the development and fielding of directed energy technology and to accelerate such development and fielding. The amendment would also rename the joint technology office for high energy lasers to the joint directed energy transition office, and would expand its mission to work with the senior designated official to push the demonstration and transition of directed energy systems, as well as the development of key technologies.

The conferees expect and encourage the Department of Defense to use rapid acquisition authorities authorized to the department in Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2302 note) to speed the development and deployment of operational directed energy capabilities. The committee believes that this provision allows the Secretary of Defense to better use the range of acquisition authorities already at the disposal of the department for the purposes of directed energy weapons system acquisition, including:

(1) Rapid acquisition authority provided under Section 806;

(2) Use of other transactions authority provided under section 2371 of Title 10, United States Code;

(3) Simplified acquisition procedures for the acquisition of commercial items; and

(4) Authority for procurement for experimental purposes provided under section 2373 of Title 10, United States Code.

*Restructuring of the distributed common ground system of the Army (sec. 220)*

The House amendment contained a provision (sec. 219) that would require the Secretary of the Army to restructure versions of the distributed common ground system of the Army after Increment 1. The Secretary of the Army shall discontinue development of new software code of any component of the system for which there is commercial, open source, or Government off the shelf software that is capable of fulfilling at least 80 percent of the system requirements; and conduct a review of the acquisition strategy for the program to ensure that procurement of commercial software is the preferred method of meeting program requirements. The Secretary of the Army shall not award any contract for the development of a new component software capability if such a capability is already a commercial item.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees expect the Secretary of the Army to rapidly execute this acquisition so as to quickly improve the field performance of the existing distributed common ground system for the Army, which we do not believe is adequately serving the needs of units at division, brigade and battalion levels.

*Limitation on availability of funds for countering weapons of mass destruction system Constellation (sec. 221)*

The House amendment contained a provision (sec. 216) that would prohibit the Department of Defense from obligating or expending any funds in fiscal year 2017 for research, development, and prototyping of the countering weapons of mass destruction situational awareness information system, known as "Constellation."

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit half the funds available for Constellation until the Secretary of Defense provides an independent review and assessment of the requirements and implementation plan for this system. In addition congressional defense committees shall receive periodic updates prior to the completion of the review.

*Limitation on availability of funds for Defense Innovation Unit Experimental (sec. 222)*

The House amendment contained a provision (sec. 217) that would limit the amount of authorized funds available to be obligated or expended for the Defense Innovation Unit Experimental (DIUx) to no more than 80 percent until the Secretary of Defense provides a report to the congressional defense committees on the charter for and the use of funds to establish and expand DIUx.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would alter the amount of funds subject to limitation and add additional specificity to the reporting requirement.

The conferees remain cautiously optimistic that the changes to the organizational structure and functions of DIUx could become important tools for the Department of Defense (DoD) to engage with new and non-traditional commercial sources of innovation, as well as rapidly identify and integrate new technologies into defense systems.

The conferees believe that outreach to commercial companies, small businesses and other non-traditional defense contractors, in Silicon Valley and across the nation, will be a key element in all efforts at modernizing defense systems and pursuing offsetting technology strategies. However, the conferees are concerned that investments made by DIUx to-date were not focused on rapid delivery of much needed game-changing technologies. Additionally, DIUx's customer base is not as diverse as expected and includes organizations, such as U.S. Special Operations Command, with their own acquisition authority and entity established to leverage innovation. Although the conferees are not opposed to any organization partnering with DIUx, the conferees encourage DIUx to establish relationships with services and other Department of Defense organizations that do not have their own funding, authorities, and innovation hubs.

Additionally, the conferees remain concerned that in the Department's rush to try something new, defense leaders have not taken the time to determine how effective recent organizational and management changes are before seeking a rapid expansion of resources. Nor do the conferees believe that the Department has postured DIUx to be successful in the innovation ecosystem with partners across the Department, finding ways to multiply the effectiveness and networking potential of DIUx by leveraging the personnel, expertise, authorities, and resources of existing successful research, development, innovation, and tech transfer mechanisms. These existing mechanisms include the Small Business Innovative Research and Small Business Technology Transition programs, the Department of Defense research laboratories, and other entities that look at technology in classified settings.

Additionally, the conferees are concerned that the Department has found useful mechanisms to identify and engage with new commercial entities, without making demonstrable progress in reducing the acquisition and contractual barriers of entry for these non-traditional providers, as well as all commercial entities wishing to do business with the Department. Without such progress, the conferees are concerned that these non-traditional vendors will become frustrated over time, as has happened in the past, and will revert back to a posture that, at best, reluctantly partners in defense work, and at worst, actively rejects all work with the Department of Defense because the acquisition system is too burdensome and bureaucratic.

*Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program (sec. 223)*

The Senate bill contained a provision (Sec. 146) that would limit the availability of fiscal year 2017 and beyond funds for the Joint Surveillance Target Attack Radar System recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed price contract structure.

The House amendment contained no similar provision.

The House recedes with an amendment that provides the Secretary of Defense with authority to waive the limitation in the provision if the Secretary determines the waiver is in the national security interests of the United States, and includes other minor technical corrections.

The conferees note that to ensure the integrity of the full and open competition nature of this program, they caution the Air Force to guard against the potential prejudicing of this source selection by other Air Force recapitalization programs.

*Acquisition program baseline and annual reports on follow-on modernization program for F-35 Joint Strike Fighter (sec. 224)*

The Senate bill contained a provision (sec. 1087) that would require the Department of Defense to treat the F-35 Follow-on Modernization program as a separate Major Defense Acquisition Program (MDAP).

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement to treat the Follow-on Modernization program as a separate MDAP and require the Secretary of Defense, not later than March 31, 2017, to submit to the congressional defense committees a report that contains the basic elements of an acquisition program baseline for Block 4 modernization.

*Subtitle C—Reports and Other Matters  
Pilot program for assured access to trusted microelectronics (sec. 231)*

The House amendment contained a provision (sec. 231) that would require the Secretary of Defense to develop and implement a strategy for developing and acquiring trusted microelectronics from various sources by 2020. The House provision would further require the Secretary of Defense to certify by September 30, 2020, that the Department has implemented the recommendations of the strategy, and has created an assured means of accessing sufficient supply of trusted microelectronics.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would add additional elements to the required strategy.

*Pilot program on evaluation of commercial information technology (sec. 232)*

The House amendment contained a provision (sec. 232) that would require the Defense Information Systems Agency to establish a pilot program to evaluate commercially available information technology tools to better understand and characterize their potential impact on Department of Defense networks and computing environments through prototyping, experimentation, operational demonstration, military user assessment, or other means to get quantitative and qualitative feedback on the commercial item.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense (sec. 233)*

The Senate bill contained a provision (sec. 948) that would allow directors of Department of Defense research and development laboratories, as well as the director of the Defense Advanced Research Projects Agency to waive on a temporary basis regulations, instructions, publications, policies, and procedures of the Department of Defense as the director believes appropriate.

The House amendment contained a similar provision (sec. 233) that would allow the services to demonstrate methods for the more effective development of research, development, test, and evaluation functions.

The Senate recedes with an amendment that would combine features of both provisions and create a pilot program open to research and development laboratories, test and evaluation centers, and the Defense Advanced Research Projects Agency. The amended provision would allow directors of these entities to waive on a temporary basis any regulation, restriction, requirement, guidance, policy, procedure, or departmental

instruction that would generate greater value and efficiencies in research and development activities, enable more efficient and effective operations, and enable more rapid deployment of warfighter capabilities.

In this provision, the conferees expect the secretaries of the services to ensure that participation in the program includes at least five science and technology reinvention laboratories and at least five test and evaluation centers from each service with the highest likelihood to use innovatively the authority for this new management flexibility to demonstrate the value for the entire Department.

In addition, the conferees expect that the assistant secretaries of the services will work with their appropriate counterparts within the services to complete evaluation of waiver requests in a timely and responsive manner.

*Pilot program on modernization and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities (sec. 234)*

The Senate bill contained a provision (sec. 897) that would stipulate that funds for electromagnetic spectrum warfare systems and EW systems may be used for the development and fielding of such systems. The provision would also amend section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to add a new subparagraph addressing the rapid acquisition of electronic warfare capabilities.

The House amendment contained a provision (sec. 234) that would authorize the Secretary of Defense to carry out a pilot program on the modernization of electromagnetic spectrum warfare systems and electronic warfare (EW) systems. The House provision would direct the Electronic Warfare Executive Committee (EWEC) to select a total of five such systems currently in sustainment for modernization under the pilot program.

The Senate recedes with an amendment that would including fielding of EW systems, increases the number of systems to be selected for the pilot program from 5 to 10, adds a termination date of September 30, 2023 to the pilot program, and authorizes appropriated electromagnetic spectrum warfare and electronic warfare funds to be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

*Pilot program on disclosure of certain sensitive information to federally funded research and development centers (sec. 235)*

The Senate bill contained a provision (sec. 218) that would permit the Department of Defense to provide personnel of a Defense federally-funded research and development center with access to sensitive information necessary to carry out their assigned duties and functions.

The House amendment contained no similar provision.

The House recedes with an amendment to clarify certain elements of the program and further prevent any unauthorized disclosure of sensitive information.

*Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies (sec. 236)*

The Senate bill contained a provision (sec. 219) that would authorize the Secretary of Defense to establish a pilot program to assess the feasibility and advisability of enhanced interaction between the Defense Advanced Research Projects Agency and the military service academies.

The House amendment contained no similar provision.

The House recedes with technical amendments to streamline the pilot program.

*Independent review of F/A-18 physiological episodes and corrective actions (sec. 237)*

The House amendment contained a provision that would require the Secretary of the Navy to establish an independent review team to review the Navy's data on, and mitigation efforts related to, the increase in F/A-18 physiological events since January 1, 2009 and submit a report on the findings of said review team.

The Senate bill contained no similar provision.

The Senate recesses.

*B-21 bomber development program accountability matrices (sec. 238)*

The Senate bill contained a provision (Sec. 844) that would establish specific cost growth thresholds and cost controls for the Air Force's B-21 bomber program, directs the Secretary of the Air Force to provide quarterly program performance data to the Comptroller General of the United States, and directs the transfer of the difference between the Department of Defense's annual program budget funding amount and the contract award value to the Defense Rapid Prototyping Fund for each budget year submission.

The House amendment contained no similar provision.

The House recesses with an amendment that strikes the cost growth thresholds and cost controls, and strikes the requirement to transfer funds into the Defense Rapid Prototyping Fund. The amendment also changes the program performance data submission from a quarterly to semi-annual reporting frequency, and includes other minor technical corrections.

*Study on helicopter crash prevention and mitigation technology (sec. 239)*

The House amendment contained a provision (Sec. 236) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

The Senate bill contained no similar provision.

The Senate recesses.

*Strategy for improving electronic and electromagnetic spectrum warfare capabilities (sec. 240)*

The House amendment contained a provision (sec. 237) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Electronic Warfare Executive Committee, to submit to the congressional defense committees a report by April 1, 2017, on future electronic warfare concepts and technologies.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require a strategy for improving electronic and electromagnetic spectrum warfare capabilities.

*Sense of Congress on development and fielding of fifth generation airborne systems (sec. 241)*

The Senate bill contained a provision (Sec. 1057) that would express the sense of the Senate on the definition of and need for continued prioritization, development, and fielding of fifth-generation airborne capabilities.

The House amendment contained no similar provision.

The House recesses with an amendment that replaces the term "the Senate" with "Congress" in each instance where it occurs in the title and body of the provision, and includes other minor technical corrections.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Report on cost of B-21 aircraft*

The Senate bill contained a provision (Sec. 217) that would limit the funds authorized to

be appropriated by this Act or otherwise made available for fiscal year 2017 to be made available for the B-21 Engineering and Manufacturing Development (EMD) program until the Air Force releases the value of the B-21 EMD contract award made on October 27, 2015, to the congressional defense committees.

The House amendment contained a similar provision (Sec. 136) that would require the Secretary of Defense to submit to the congressional defense committees a report on the cost of the B-21 aircraft.

The Senate recesses.

The House recesses.

Neither provision was adopted.

#### TITLE III—OPERATION AND MAINTENANCE

*Authorization of Appropriations*  
*Authorization of appropriations (sec. 301)*

The Senate bill contained a provision (sec. 301) that would authorize appropriations for operation and maintenance activities at the levels identified in section 4301 of division D of this Act.

The House amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

*Subtitle B—Energy and the Environment*  
*Modified reporting requirement related to installations energy management (sec. 311)*

The Senate bill contained a provision (sec. 302) that would amend subsection (a) of section 2925 of title 10, United States Code, by significantly reducing the contents of the Department of Defense's Annual Energy Management Report.

The House amendment contained a similar provision (sec. 331) that would modify subsection (a) and (b) of section 2925 of title 10, United States Code, to modify and extend, with a sunset date of January 31, 2021, the "Annual Report Related to Installations Energy Management" and the "Annual Report Related to Operational Energy."

The House recesses with a technical amendment.

*Waiver authority for alternative fuel procurement requirement (sec. 312)*

The House amendment contained a provision (sec. 311) that would amend section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) to clarify that this section shall not be construed as a constraint on any conventional or unconventional fuel procurement necessary for military operations.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would allow the Secretary of Defense to waive section 526 of the Energy Independence and Security Act of 2007 if in the interest of national security.

*Utility data management for military facilities (sec. 313)*

The Senate bill contained a provision (sec. 304) that would direct the Department of Defense, in consultation with the Department of Energy, to develop a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage and distribution.

The House amendment contained no similar provision.

The House recesses with an amendment that would provide permissive authority to the Secretary of Defense to develop a utility data management program with a funding cap of \$250,000.

*Alternative technologies for munitions disposal (sec. 314)*

The House amendment contained a provision (sec. 313) that authorizes the Secretary

of the Army to consider using cost-competitive technologies that minimize waste generation and air emissions as alternatives to disposal of conventional munitions by open burning, open detonation, direct contact combustion, and incineration.

The Senate bill contained no similar provision.

The Senate recesses.

*Report on efforts to reduce high energy costs at military installations (sec. 315)*

The Senate bill contained a provision (sec. 303) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the assistant secretaries responsible for energy installations and environment for the military services and the Defense Logistics Agency, to conduct an assessment of the efforts to achieve cost savings at military installations with high energy costs.

The House amendment contained no similar provision.

The House recesses with an amendment to clarify the focus on installations with high levels of energy intensity.

*Sense of Congress on funding decisions relating to climate change (sec. 316)*

The House amendment contained a provision (sec. 315) that would prohibit the Department of Defense from obligating or expending any funds in fiscal year 2017 to carry out sections 2, 3, 4, 5, 6(b) (iii), and 6(c) of Executive Order 13653 and sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, and 15(b) of Executive Order 13693.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would provide the Sense of Congress that Fiscal Year 2017 funding decisions for the Department should be based on supporting and increasing combat capability, in addition to constantly seeking efficiency and efficacy. Additionally, the Department's programs should allocate funds in a manner that best serves our national security interests. Accordingly, the conferees believe that the collective issues regarding energy efficiency, energy use, and climate change should adhere to these principles.

*Subtitle C—Logistics and Sustainment*  
*Revision of deployability rating system and planning reform (sec. 321)*

The Senate bill contained a provision (sec. 311) that would amend Chapter 1003 of title 10, United States Code, requiring the Secretary of the Army to maintain a system for identifying the priority of deployment for units of all components of the Army.

The House amendment contained an identical provision (sec. 523).

The conference agreement includes this provision.

*Revision of guidance related to corrosion control and prevention executives (sec. 322)*

The Senate bill contained a provision (sec. 312) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, to revise corrosion-related guidance to clearly define the role of the corrosion control and prevention executives of the military departments in assisting the Office of Corrosion Policy and Oversight.

The House amendment contained no similar provision.

The House recesses.

*Pilot program for inclusion of certain industrial plants in the Armament Retooling and Manufacturing Support Initiative (sec. 323)*

The House amendment contained a provision (sec. 321) that would establish a pilot program for a period of five years requiring

the Secretary of Defense to treat all government-owned, contractor-operated (GOCO) industrial plants of the Department of the Army as an eligible facility under section 4551(2) of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would provide permissive authority to the Secretary of Defense to consider all government-owned, contractor operated industrial plants for all military services within the Department of Defense as an eligible facility under section 4551(2) of title 10, United States Code, as part of a pilot program for a period of five years.

The conferees note this provision does not authorize GOCO industrial plants' use of Army Working Capital Funds.

*Repair, recapitalization, and certification of dry docks at naval shipyards (sec. 324)*

The Senate bill contained a provision (sec. 313) that would authorize amounts available as foreign currency fluctuation savings as specified in the funding table in section 4301 to be authorized to be appropriated for fiscal year 2017 by section 301 for operation and maintenance to be made available for the repair, recapitalization, and certification of dry docks at government-owned and government-operated naval shipyards.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would authorize the Secretary of Defense to transfer up to \$250 million of authorizations made available in this Act to the Department of Defense towards the repair, recapitalization, and certification of dry docks at government-owned and government-operated naval shipyards and if such a transfer occurs, the Secretary of Defense shall promptly notify Congress of the transfer.

*Private sector port loading assessment (sec. 325)*

The House amendment contained a provision (sec. 322) that would require the Secretary of the Navy to conduct quarterly assessments of naval ship maintenance and loading activities carried out by private sector entities at each covered port.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would remove the Sense of Congress.

*Strategy on revitalizing Army organic industrial base (sec. 326)*

The House amendment contained a provision (sec. 332) that would require the Secretary of Defense to provide a report on certain equipment purchased from foreign entities with an assessment of how that work could be performed by the Army arsenals and establish a pilot program for the period of two years to allow the Army arsenals to adjust their labor rates through the fiscal year.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would expand the report to include the Department of Defense organic industrial base in its entirety and strike the pilot program for adjustable labor rates.

#### Subtitle D—Reports

*Modifications to Quarterly Readiness Report to Congress (sec. 331)*

The Senate bill contained a provision (sec. 321) that would amend subsection (a) of section 482 of title 10, United States Code, modifying the Department of Defense's requirements for the Quarterly Readiness Report to Congress.

The House amendment contained no similar provision.

The House recedes.

*Report on average travel costs of members of the reserve components (sec. 332)*

The House amendment contained a provision (sec. 333) that would require the Secretary of Defense to submit a report to the congressional defense committees on the travel expenses of members of the reserve components performing certain service, to include the average annual cost for all travel expenses for a member of a reserve component.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the report be executed by the Comptroller General of the United States.

*Report on HH-60G sustainment and Combat Rescue Helicopter program (sec. 333)*

The Senate bill contained a provision (sec. 322) that would require the Secretary of Defense to report to the congressional defense committees a plan to modernize, train, and maintain the HH-60 fleet.

The House amendment contained no similar provision.

The House recedes.

#### Subtitle E—Other Matters

*Air navigation matters (sec. 341)*

The Senate bill contained a provision (sec. 333) that would amend Section 358 of the National Defense Authorization Act for fiscal year 2011 (Public Law 111-383) to ensure that due diligence and proper assessment is given so energy projects do not interfere with operational training of the military services.

The House amendment contained a similar provision (sec. 343) that would amend section 44718 of title 49, United States Code, to authorize the Secretary of Transportation to include the interests of national security, as determined by the Secretary of Defense, in the Secretary's aeronautical studies and reports required under this statute.

The Senate recedes with an amendment that would include the due diligence and proper assessment to ensure energy projects do not interfere with operational training, and would amend title 49, United States Code, to require the Secretary of Transportation to review flight path changes at civilian airports to determine if recent adjustments have had an impact on local communities.

*Contract working dogs (sec. 342)*

The Senate bill contained a provision (sec. 337) that would amend Section 2583(h) of title 10, United States Code, and require each future contract with a provider of tactical explosive detection dogs to include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would include the terminology a working dog that is "trained and kenneled by an entity that provides such a dog pursuant to such a contract."

*Plan, funding documents, and management review relating to explosive ordnance disposal (sec. 343)*

The House amendment contained a provision (sec. 342) that would establish a joint Explosive Ordnance Disposal (EOD) program, with the Navy as executive agent for the Department of Defense, to coordinate and integrate research, development, and procurement for EOD defense programs. This section would also require the Secretary of Defense to conduct a review of the management structure of the program and to brief the results of the review to the Committees on

Armed Services of the Senate and the House of Representatives by May 1, 2018.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to develop a plan to create an EOD program, in addition to requiring the Secretary of Defense to identify EOD funding documents in all military services and to conduct an EOD management review. The amendment also requires the Secretary of Defense to brief both the results of the management review and the details of the plan to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

*Process for communicating availability of surplus ammunition (sec. 344)*

The House amendment contained a provision (sec. 351) that would require the Secretary of Defense to implement a formal process for communicating to other Federal Government agencies the availability of surplus, serviceable ammunition from the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes.

*Mitigation of risks posed by window coverings with accessible cords in certain military housing units (sec. 345)*

The Senate bill contained a provision (sec. 336) that would direct the Secretary of Defense to remove and replace window coverings with accessible cords from military housing units in which children under the age of 9 reside and require housing contractors to phase out window coverings with accessible cords.

The House amendment contained no similar provision.

The House recedes with an amendment that would ensure that the requirement would be applied to contracts for housing units going forward and would not violate existing contract terms.

*Access to military installations by transportation companies (sec. 346)*

The Senate bill contained a provision (sec. 339) that would require the Secretary of Defense to establish policies, terms, and conditions under which online transportation networks and their drivers shall be permitted access to military installations to serve base personnel.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, within one year of enactment, to establish policies under which covered drivers may be authorized to access military installations.

*Access to wireless high-speed Internet and network connections for certain members of the Armed Forces (sec. 347)*

The House amendment contained a provision (sec. 350) that would encourage the Secretary of Defense to provide members of the Armed Forces who are deployed overseas at any United States military facility access to high-speed internet and network connections without charge.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for Office of the Under Secretary of Defense for Intelligence (sec. 348)*

The House amendment contained a provision (sec. 347) that would limit the obligation or expenditure of 15 percent of the funds authorized to be appropriated for Operation and Maintenance, Defense-Wide, for the Office of the Under Secretary of Defense for Policy for fiscal year 2017, until the Secretary of Defense establishes and implements a process by which members of the

Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the obligation or expenditure of 10 percent of the funds authorized to be appropriated for Operation and Maintenance, Defense-Wide, for the Office of the Under Secretary of Defense for Intelligence for fiscal year 2017, until the Secretary of Defense issues guidance on the process by which members of the Armed Forces may carry an appropriate firearm on a military installation, as required by section 526 of the National Defense Authorization Act for Fiscal Year 2016. The conferees note that the Under Secretary of Defense for Intelligence is the official responsible to provide the Secretary of Defense recommendations for the policy and regulations implementing the process required under section 526 of the National Defense Authorization Act for Fiscal Year 2016.

*Limitation on development and fielding of new camouflage and utility uniforms (sec. 349)*

The Senate bill contained a provision (sec. 332) that would restrict funds to be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.

The House amendment contained no similar provision.

The House recedes.

*Plan for improved dedicated adversary air training enterprise of the Air Force (sec. 350)*

The Senate bill contained a provision (Sec. 334) that would direct the Chief of Staff of the Air Force to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 3, 2017, a resource ready and executable plan and briefing for developing and emplacing a modernized dedicated adversary air training enterprise to support the full spectrum air combat readiness of the United States Air Force.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

*Independent review and assessment of the Ready Aircrew Program of the Air Force (sec. 351)*

The Senate bill contained a provision (Sec. 335) that would direct the Secretary of the Air Force to commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements, and the efficacy of the overall Ready Aircrew Program in the management of the Air Force's aircrew training requirements.

The House amendment contained no similar provision.

The House recedes with minor technical corrections.

*Study on space-available travel system of the Department of Defense (sec. 352)*

The House amendment contained a provision (sec. 345) that would require the Secretary of Defense to conduct a study of the space-available travel system and to provide the result of the study to the congressional defense committees within 180 days after entering into a contract with a federally funded research and development center to conduct the study.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the study to consider the feasibility and the impact on the space-available system of extending eligibility for space-available travel to members or former members of the armed forces with a disability rated as total, on the same basis as such transportation is provided to members of the Armed Forces entitled to retired or re-tainer pay.

*Evaluation of motor carrier safety performance and safety technology (sec. 353)*

The House amendment contained a provision (sec. 348) that would require the Secretary of Defense to evaluate the need for proven safety technology such as electronic logging devices, roll stability control, forward collision avoidance, lane departure warning systems, and speed limiters in vehicles transporting Transportation Protective Services shipments.

The Senate bill contained no similar position.

The Senate recedes with a clarifying amendment that would strike the Sense of Congress but still include the findings of the Government Accountability Office (GAO) report, GAO 16-82.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Increase in funding for civil military programs*

The House amendment contained a provision (sec. 302) that would increase funding for the National Guard Youth Challenge Program by \$15.0 million by taking a reduction from Defense-wide Operations and Maintenance funding.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the National Guard Youth Challenge program is fully funded in the conference agreement at the President's budget request level.

*Linear LED lamps*

The Senate bill contained a provision (sec. 305) that would amend section 2-4.1.1.2 of the Department of Defense's Unified Facilities Criteria to allow linear light emitting diode lamps for facilities and installation retrofits.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that the Department of the Navy has safely adopted the use of linear light emitting diode lamps for facilities and installation retrofits. The conferees encourage all of the military services to do so in a safe and effective manner, in order to consume less energy and realize life-cycle cost savings.

*Production and use of natural gas at Fort Knox*

The House amendment contained a provision (sec. 312) that would amend chapter 449 of title 10, United States Code, to grant the Secretary of the Army authority to provide for the production and management of natural gas located under Fort Knox, Kentucky.

The Senate bill contained no similar provision.

The House recedes.

*Sense of Congress on perfluorinated chemicals*

The House amendment contained a provision (sec. 314) that would express the sense of Congress that the Department of Defense should work with State and local health officials to prevent human exposure to perfluorinated chemicals.

The Senate bill contained no similar provision.

The House recedes.

*Limitation on availability of funds for Defense Contract Management Agency*

The House amendment contained a provision (sec. 323) that would limit funding for

the Defense Contract Management Agency (DCMA) until the DCMA Director provides a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the agency's plan to foster the adoption, implementation, and verification of the Department of Defense's revised Item Unique Identification policy across the Department and the defense industrial base.

The Senate bill contained no similar provision.

The House recedes.

The conferees note the importance of use of Item Unique Identification within the Department of Defense and direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the agency's plan to foster the adoption, implementation, and verification of the Department of Defense's revised Item Unique Identification policy no later than 45 days after enactment of this Act.

*Repurposing and reuse of surplus military firearms*

The Senate bill contained a provision (sec. 331) that would require the Secretary of the Army to transfer all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution Depot, Anniston, Alabama to Rock Island Arsenal to be melted and repurposed for military use for re-forging of new firearms or related components and force protection barriers and security bollards. The provision would also authorize the Secretary of the Navy to transfer M-1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana to the Corporation for the Promotion of Rifle Practice and Firearms Safety to be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or United States Navy.

The House amendment contained no similar provision.

The Senate recedes.

*STARBASE Program*

The Senate bill contained a provision (sec. 338) that would express a sense of Congress on the importance of the Starbase program.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agree to continue funding for the Starbase program and to include an appropriate funding level in the budget tables of this bill.

*Explosive Ordnance Disposal Corps*

The House amendment contained a provision (sec. 341) that would amend section 3063 of title 10, United States Code, to add Explosive Ordnance Disposal Corps to the list of Army branches.

The Senate bill contained no similar provision.

The House recedes.

*Development of personal protective equipment for female Marines and soldiers*

The House amendment contained a provision (sec. 344) that would require the Secretary of the Navy and the Commandant of the Marine Corps to work in coordination with the Secretary of the Army to develop a joint acquisition strategy to provide more effective personal protective equipment and organizational clothing and equipment to meet the specific and unique requirements for female Marines and soldiers.

The Senate bill contained no similar provision.

The House recedes.  
 The conferees note that both the committee report (H. Rept. 114-537) accompanying the National Defense Authorization Act for Fiscal Year 2017 and the committee report (S. Rept. 114-255) accompanying the National Defense Authorization Act for Fiscal Year 2017 contained directive report language requiring the Secretary of Defense to report on the plans for programming, budgeting, requirements, and procurement of female specific equipment including helmets, combat clothing, body armor, footwear, and other critical safety item equipment categories. The conferees remained concerned that currently available items of personal protective equipment (PPE) and organizational clothing and individual equipment (OCIE) may not meet the specific and unique requirements for female combat troops. The conferees expect the Secretary of Defense to consider development and use of joint acquisition strategies for this equipment as part of the two reporting requirements.

*Supply of specialty motors from certain manufacturers*

The House amendment contained a provision (sec. 346) that would exempt certain small business manufacturers of specialty motors from the requirements of section 431.25 of title 10, Code of Federal Regulations, regarding energy conservation standards.

The Senate bill contained no similar provision.

The House recedes.

*Briefing on well-drilling capabilities of active duty and reserve components*

The House amendment contained a provision (sec. 349) that would require the Secretary of Defense to provide a briefing on the well-drilling capabilities of active and reserve components, including details on training requirements and locations.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, not later than March 1, 2017, to provide the congressional defense committees with a briefing on the well drilling capabilities of active duty and reserve forces. The briefing should include a description of the training requirements of active and reserve units with well-drilling capabilities, the locations at which such units conduct training related to well-drilling, and the cost of feasibility of rotating training locations of such units to areas in the United States that are affected by drought conditions.

*Increase in funding for National Guard counter-drug programs*

The House amendment contained a provision (sec. 352) that would increase funding to

support the National Guard counter-drug program by \$30 million.

The Senate bill contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL  
 AUTHORIZATIONS

Subtitle A—Active Forces

*End strength for active forces (sec. 401)*

The Senate bill contained a provision (sec. 401) that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 460,000; Navy 322,900; Marine Corps 182,000; Air Force 317,000.

The House amendment contained a provision (sec. 401) that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 480,000; Navy 324,615; Marine Corps 185,000; Air Force 321,000.

The Senate recedes with an amendment that would authorize active-duty end strengths for fiscal year 2017 as follows: Army 476,000; Navy 323,900; Marine Corps 185,000; Air Force 321,000.

The committee recommends a provision that would authorize active-duty end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army .....	475,000	460,000	476,000	+16,000	+1,000
Navy .....	329,200	322,900	323,900	+1,000	-5,300
Marine Corps .....	184,000	182,000	185,000	+3,000	+1,000
Air Force .....	320,715	317,000	321,000	+4,000	+285
DOD Total .....	1,308,915	1,281,900	1,305,900	+24,000	-3,015

*Revisions in permanent active duty end strength minimum levels (sec. 402)*

The House amendment contained a provision (sec. 402) that would establish new minimum active-duty end strengths for the Army, Navy, Marine Corps, and Air Force as of September 30, 2017.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle B—Reserve Forces

*End strengths for Selected Reserve (sec. 411)*

The Senate bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of

the Armed Forces as of September 30, 2017: the Army National Guard, 335,000; the Army Reserve, 195,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The House amendment contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 350,000; the Army Reserve, 205,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United

States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The Senate recedes with an amendment that would authorize the following end strengths for Selected Reserve personnel of the Armed Forces as of September 30, 2017: the Army National Guard, 343,000; the Army Reserve, 199,000; the Navy Reserve, 58,000; the Marine Corps Reserve, 38,500; the Air National Guard of the United States, 105,700; the Air Force Reserve, 69,000; and the Coast Guard Reserve, 7,000.

The committee recommends a provision that would authorize Selected Reserve end strengths for fiscal year 2017, as shown below:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Authorized	FY 2016 Authorized
Army National Guard .....	342,000	335,000	343,000	+8,000	+1,000
Army Reserve .....	198,000	195,000	199,000	+4,000	+1,000
Navy Reserve .....	57,400	58,000	58,000	0	+600
Marine Corps Reserve .....	38,900	38,500	38,500	0	-400
Air National Guard .....	105,500	105,700	105,700	0	+200
Air Force Reserve .....	69,200	69,000	69,000	0	-200
DOD Total .....	811,000	801,200	813,200	+12,000	+2,200
Coast Guard Reserve .....	7,000	7,000	7,000	0	0

*End strengths for Reserves on active duty in support of the reserves (sec. 412)*

The Senate bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on Active Duty in support of the reserve components as of September 30, 2017: the Army National Guard of

the United States, 30,155; the Army Reserve, 16,261; The Navy Reserve, 9,955; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,764; and the Air Force Reserve, 2,955.

The House amendment contained an identical provision (sec. 412).

The conference agreement includes this provision.

End strength levels for the reserves on active duty in support of the reserves for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard .....	30,770	30,155	30,155	0	-615
Army Reserve .....	16,261	16,261	16,261	0	0

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Navy Reserve .....	9,934	9,955	9,955	0	+21
Marine Corps Reserve .....	2,260	2,261	2,261	0	+1
Air National Guard .....	14,748	14,764	14,764	0	+16
Air Force Reserve .....	3,032	2,955	2,955	0	-77
<b>DOD Total .....</b>	<b>77,005</b>	<b>76,351</b>	<b>76,351</b>	<b>0</b>	<b>-654</b>

*End strengths for military technicians (dual status) (sec. 413)*

The House amendment contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2017: the Army National Guard of the United

States, 25,507; the Army Reserve, 7,570; the Air National Guard of the United States, 22,103; and the Air Force Reserve, 10,061.

The Senate bill contained a similar provision (sec. 413) that would authorize variance from the end strengths described above in accordance with the variance authorities found

in subsections (f)(1) and (g)(1)(B) of section 115 of title 10, United States Code.

The House recesses.

End strength levels for military technicians (dual status) for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard .....	26,099	25,507	25,507	0	-592
Army Reserve .....	7,395	7,570	7,570	0	+175
Air National Guard .....	22,104	22,103	22,103	0	-1
Air Force Reserve .....	9,814	10,061	10,061	0	+247
<b>DOD Total .....</b>	<b>65,412</b>	<b>65,241</b>	<b>65,241</b>	<b>0</b>	<b>-171</b>

*Fiscal year 2017 limitation on number of non-dual status technicians (sec. 414)*

The Senate bill contained a provision (sec. 414) that would authorize the following personnel limits for the reserve components of the Army and Air Force for non-dual status

technicians as of September 30, 2017: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The House amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

End strength levels for the non-dual status technicians for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard .....	1,600	1,600	1,600	0	0
Air National Guard .....	350	350	350	0	0
Army Reserve .....	595	420	420	0	-175
Air Force Reserve .....	90	90	90	0	0
<b>DOD Total .....</b>	<b>2,635</b>	<b>2,460</b>	<b>2,460</b>	<b>0</b>	<b>-175</b>

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The Senate bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who

may be on Active Duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2017 to provide operational support.

The House amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

End strength levels for reserve personnel authorized to be on Active Duty for operational support for fiscal year 2017 are set forth in the following table:

Service	FY 2016 Authorized	FY 2017		Change from	
		Request	Recommendation	FY 2017 Request	FY 2016 Authorized
Army National Guard .....	17,000	17,000	17,000	0	0
Army Reserve .....	13,000	13,000	13,000	0	0
Navy Reserve .....	6,200	6,200	6,200	0	0
Marine Corps Reserve .....	3,000	3,000	3,000	0	0
Air National Guard .....	16,000	16,000	16,000	0	0
Air Force Reserve .....	14,000	14,000	14,000	0	0
<b>DOD Total .....</b>	<b>69,200</b>	<b>69,200</b>	<b>69,200</b>	<b>0</b>	<b>0</b>

*Technical corrections to annual authorization for personnel strengths (sec. 416)*

The Senate bill contained a provision (sec. 416) that would make a technical correction to section 115 of title 10, United States Code.

The House amendment contained an identical provision (sec. 521).

The conference agreement includes this provision.

**Subtitle C—Authorization of Appropriations**  
*Military personnel (sec. 421)*

The Senate bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in the funding table in section 4401 of this Act.

The House amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Sense of Congress on full-time support for the Army National Guard*

The House amendment contained a provision (sec. 416) that would express a sense of Congress that an adequately supported, full-time support force consisting of active and reserve personnel and military technicians for the Army National Guard is essential to maintaining the readiness of the Army National Guard.

The Senate bill contained no similar provision.

The House recesses.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**

*Reduction in number of general and flag officers on active duty and authorized end strength after December 31, 2022, of such general and flag officers (sec. 501)*

The Senate bill contained a provision (sec. 501) that would add a new section 525a to title 10, United States Code, to establish the authorized distribution of general and flag officers for the Army, Navy, Marine Corps, and Air Force and to require a 25 percent reduction in the number of general and flag officers in the military departments. The provision would also sunset the authorized distribution of general and flag officers in section 525 of title 10, after December 31, 2017.

The amendment would add a new section 526a to title 10, United States Code, to limit the number of general and flag officers on Active Duty in the military departments and

to exclude from those limits the specified number of general and flag officers serving in joint duty assignments and to require a 25 percent reduction in the number of general and flag officers in the military departments and the joint pool. The provision would also sunset the authorized distribution of general and flag officers in section 526 of title 10, after December 31, 2017.

The amendment would add a new section 12004a to title 10 United States Code, to require a 25 percent reduction in the number of general and flag officers in active status in the reserve component, including general officers of the National Guard of the States and territories and general officers serving in the National Guard Bureau, but excluding officers serving as adjutants general or assistant adjutants general of a state. The provision would also sunset the authorized distribution of general and flag officers in section 12004 of title 10, after December 31, 2017.

The House amendment included a provision (sec. 910) that would amend section 164(e) of title 10, United States Code, to specify that the grade of an officer serving as commander of a service or functional component command shall be no higher than lieutenant general or vice admiral. The provision would further require that the total number of officers in the grade of general or admiral on active duty be reduced by five positions, and to require a report to the congressional defense committees on the Department's plan to implement those reductions.

The House recedes with an amendment that would create a new section 526a of title 10, United States Code, to establish authorized end strength of general and flag officers, to reflect a reduction of 110 general and flag officers on active duty by not later than December 31, 2022, and to redistribute authorized general and flag officers across the military departments and the joint pool.

The amendment would require the Secretary of Defense to conduct a study of general and flag officer requirements with a goal of identifying and justifying each general or flag officer position in terms of overall force structure, scope of responsibility, command and control requirements, and force readiness execution and to identify an additional 10 percent reduction in the number of general and flag officers above the reduction of 110 billets. The results of the study shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 2017. If practicable, an interim report shall be submitted to the Committees on Armed Forces of the Senate and the House of Representatives on the progress of the completion of the study and recommendations for achieving the additional 10% reductions in the number of general and flag officer positions.

The provision would also require the Secretary of Defense to submit to Congress with the budget for the Department of Defense for fiscal year 2019 a plan to achieve the reduction of 110 general and flag officers and the proposed distribution of authorized general and flag officer positions to achieve prescribed levels by December 31, 2022. Progress reports on implementing the required plan for reductions would be required with the budget of the Department of Defense for fiscal years 2020, 2021, and 2022. The provision would require the Secretary of Defense to revise applicable guidance of the Department of Defense on general and flag officer authorizations not later than 120 days after completion of the plan to ensure that the reductions required under this provision are incorporated into the planning for executing promotions by the military departments, to ensure that resulting grades for general and

flag officers are uniformly applied to positions of similar duties and responsibilities across the military departments and the joint pool, and that planning achieves a reduction in headquarters functions and administrative and support activities and staff of the Department of Defense and the military departments.

The provision would provide for an orderly transition for officers recently assigned to positions that would be eliminated and to require notification to Congress for any affected officer who, by December 31, 2022, has not completed 24 months in a position to be eliminated who may be allowed to complete at least 24 months in such position. The provision would also require certification to accompany all nominations of officers to a grade above O-6, forwarded by the President to the Senate for appointment, by and with advice and consent of the Senate, that the appointment will not interfere with achieving the reduction of 110 general and flag officers required by the provision.

The conferees note that despite two decades of Congressional concern the Department of Defense and the military departments have not demonstrated the willingness to implement even the reduction in the number of general and flag officer positions directed by the Secretary of Defense's Track Four Efficiencies Initiatives decision of March 14, 2011. In the context of the Department of Defense's continued requests to reduce military end strength, especially in the Army and the Marine Corps, reductions that Congress has cautiously considered and authorized, the time has come for the Department to rigorously evaluate and validate every general and flag officer position. The conferees believe that an additional 10% reduction in the number of general and flag officer positions may be appropriate by downgrading or eliminating positions in addition to the 110 positions required to be eliminated under this provision are achieved. The conferees expect that the Department of Defense and the military departments will improve efficiency by eliminating bloated headquarters and staffs while preserving the necessary number and grades of positions for general and flag officers who are responsible to train and lead our Nation's forces in battle and to bring them safely home again. The conferees expect that the leadership of the Department of Defense and the military departments will approach this effort with the seriousness of conviction that our men and women in uniform, and the American people deserve.

*Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces (sec. 502)*

The Senate bill contained a provision (sec. 502) that would amend or repeal various statutory specifications in title 10, United States Code, to remove the requirement that an officer serving must hold a specified general or flag officer grade for certain positions in the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the statutory general officer grade requirement associated with the Surgeon General of the Navy and the Surgeon General of the Air Force to conform with the elimination of the grade requirements for the Surgeon General of the Army. The amendment would also remove the entitlement of the Assistant Judge Advocate Generals of the Navy to receive retired pay for the grade of rear admiral (lower half) unless the officer is authorized the pay under another provision of law.

The conferees note that the provision would not affect the grade of an officer cur-

rently serving in the positions and would not prohibit the positions from being filled by an officer with the same, or a higher, or lower grade than the law currently requires.

*Number of Marine Corps general officers (sec. 503)*

The House amendment contained a provision (sec. 501) that would amend sections 525 and 526 of title 10, United States Code, to authorize an increase in the number of general officers in the grade above major general from 15 to 17, decrease the number of general officers in the grade of major general from 23 to 22, and increase the number of deputy commandants within the Marine Corps from 6 to 7.

The Senate bill contained no similar provision.

The Senate recedes.

*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. 504)*

The Senate bill contained a provision (sec. 506) that would amend section 629(c) of title 10, United States Code, to provide that the period for promotion eligibility of an officer would not expire during the period when the Senate is unable to obtain information necessary to give its advice and consent to the appointment concerned because the information is under control of a department or agency of the Federal Government other than the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

*Continuation of certain officers on active duty without regard to requirement for retirement for years of service (sec. 505)*

The Senate bill contained a provision (sec. 509) that would amend chapter 36 of title 10, United States Code, to authorize service secretaries to allow officers in a grade above O-4 who are serving in military occupational specialties designated by the secretary to remain on Active Duty for up to 40 years of active service.

The House amendment contained no similar provision.

The House recedes.

*Equal consideration of officers for early retirement or discharge (sec. 506)*

The House amendment contained a provision (sec. 502) that would amend section 638a of title 10, United States Code, to authorize the secretaries of the military departments to convene boards to consider officers for involuntary separation below the grade of lieutenant colonel or commander as a single, consolidated year group without distinctions based on retirement eligibility and to align separation boards for such officers with the practices for promotion selection boards.

The Senate bill contained no similar provision.

The Senate recedes.

*Modification of authority to drop from rolls a commissioned officer (sec. 507)*

The House amendment contained a provision (sec. 503) that would amend section 1161(b) of title 10, United States Code, to authorize the Secretary of Defense, or the Secretary of the department in which the Coast Guard is operating when it is not operating in the Navy, to drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least three months, (2) who may be separated under section 1167 of title 10, United States Code, by reason of a sentence to confinement adjudged by a court-martial, or (3) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial

or other military court, and whose sentence has become final.

The Senate bill contained no similar provision.

The Senate recedes.

*Extension of force management authorities allowing enhanced flexibility for officer personnel management (sec. 508)*

The Senate bill contained a provision (sec. 510) that would:

(a) amend section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) to extend Temporary Early Retirement Authority through December 31, 2025;

(b) amend section 638a(a)(2) of title 10, United States Code, to extend through December 31, 2025 authority for service secretaries to manage authorized officer personnel strength by shortening the period of continuation of service by officers on Active Duty, to authorize involuntary early retirement for certain officers on Active Duty, and to consider officers for involuntary discharge who are not eligible for retirement;

(c) amend section 1175a(k)(1) of title 10, United States Code to extend through December 31, 2025 authority to provide voluntary separation pay and benefits; and

(d) amend section 1370(a)(2)(F) of title 10, United States Code to extend through fiscal year 2025, authority for early retirement of up to 4 percent of the authorized Active-Duty strength of officers in the grades of O-5 and O-6 without reduction in grade in each fiscal year.

The House amendment contained no similar provision.

The House recedes.

*Pilot programs on direct commissions to cyber positions (sec. 509)*

The House amendment contained a provision (sec. 1635) that would require the Secretaries of the Army and the Air Force to carry out a pilot program to improve the ability of the Army and Air Force to recruit cyber professionals.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the secretaries of the military departments to conduct pilot programs to recruit and confer original appointments to qualified individuals as commissioned officers in a cyber specialty. Pilot programs established under this provision may commence on or after January 1, 2017, and shall terminate no later than December 31, 2022. Each Secretary of a military department who conducts a pilot program under this provision shall provide a report to the Committees on Armed Services of the Senate and of the House of Representatives, not later than January 1, 2020, evaluating the success of the program in obtaining skilled cyber personnel for the Armed Forces.

*Length of joint duty assignments (sec. 510)*

The Senate bill contained a provision (sec. 507) that would amend section 664 of title 10, United States Code, to modify the qualifying period for joint duty assignments from 3 years to not less than 2 years. The proposal would repeal the average tour length requirement and repeal the authority for shorter tour lengths for officers initially assigned to critical occupational specialties.

The House amendment contained a similar provision (sec. 912).

The House recedes.

*Revision of definitions used for joint officer management (sec. 510A)*

The Senate bill contained a provision (sec. 508) that would amend section 668 of title 10, United States Code, to update the definitions of joint matters and joint duty assignment for the purpose of joint officer management.

The provision would also repeal the definition of critical occupational specialty.

The House amendment contained a similar provision (sec. 913).

The Senate recedes.

*Subtitle B—Reserve Component Management*

*Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau (sec. 511)*

The Senate bill contained a provision (sec. 521) that would amend section 10505(a)(4) of title 10, United States Code, to authorize the Secretary of Defense to extend the term of office of the Vice Chief of the National Guard Bureau for up to 90 days to provide for the orderly transition of officers appointed to the positions of the Chief and the Vice Chief of the National Guard Bureau.

The House amendment contained no similar provision.

The House recedes.

*Rights and protections available to military technicians (sec. 512)*

The Senate bill contained a provision (sec. 523) that would amend section 709 of title 32, United States Code, to clarify the employment rights and protections of military technicians.

The House amendment contained no such provision.

The House recedes with an amendment that would clarify that military technicians, under certain conditions, may appeal adverse employment actions to the Merit Systems Protection Board and Equal Employment Opportunity Commission.

*Inapplicability of certain laws to National Guard technicians performing Active Guard and Reserve duty (sec. 513)*

The Senate bill contained a provision (sec. 525) that would amend section 709 of title 32, United States Code, to clarify that the provision that grants military leave to individuals appointed to the civil service does not apply to members of the Active Guard and Reserve, just as it does not apply to members on Active Duty.

The House amendment contained no similar provision.

The House recedes.

*Extension of removal of restrictions on the transfer of officers between the active and inactive National Guard (sec. 514)*

The House amendment contained a provision (sec. 511) that would extend through December 31, 2019, the temporary authority for the Secretary of the Army and Secretary of the Air Force to transfer officers of the Army and Air National Guard from the Selected Reserve to the inactive National Guard and from the inactive National Guard to the Selected Reserve.

The Senate bill contained no similar provision.

The Senate recedes.

*Extension of temporary authority to use Air Force reserve component personnel to provide training and instruction regarding pilot training (sec. 515)*

The House amendment contained a provision (sec. 512) that would amend section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to extend for 1 year the current temporary authority for the Air Force to allow no more than 50 Active Guard and Reserve (AGR) personnel and dual status military technicians to instruct and train Active Duty and members of foreign military forces in the United States, the Commonwealth of Puerto Rico, or possessions of the United States as a primary duty.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees expect the Air Force to devise a solution to this issue that does not include amending the underlying statutory authorities for AGRs and technicians. The conferees urge the Air Force to consider solutions as part of the ongoing duty status review.

*Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves (sec. 516)*

The Senate bill contained a provision (sec. 925) that would amend section 164 of title 10, United States Code, to require that at least one deputy commander of the combatant command of the geographic area of responsibility which includes the United States be a member of a reserve component of the Armed Forces, unless a reserve component officer is serving as commander of that combatant command.

The House amendment contained no similar provision.

The House recedes.

*Subtitle C—General Service Authorities*

*Matters relating to provision of leave for members of the Armed Forces, including prohibition on leave not expressly authorized by law (sec. 521)*

The Senate bill contained a provision (sec. 532) that would modify section 701 of title 10, United States Code, to authorize up to 12 weeks of leave to be allowed in the case of a servicemember who is the primary caregiver in the case of the birth of a child or the adoption of a child. In the case of leave taken following the birth of a child, the availability of primary caregiver leave would commence after completion of medical convalescent leave resulting from the birth of such child. The provision would also increase the amount of uncharged leave authorized for a secondary caregiver in the case of the birth of a child or the adoption of child. The provision would authorize 21 days of uncharged leave for a birth parent or an adoptive parent who is the secondary caregiver. The provision would repeal subsections of section 701 relating to spouse and adoption leave as obsolete. The provision would require the Secretary of Defense to prescribe in regulation definitions of eligible primary and secondary caregivers for the purposes of this benefit, and to establish regulations for requesting and approving uncharged leave associated with births to a military family, and with adoptions by a military family, and would allow a military member to accept a 1-week extension of a servicemember's military service obligation for every week of such leave approved and taken. The implementing regulations would authorize the secretary concerned to waive service obligation extensions related to this leave as an incentive for re-enlistments.

The provision would also create a new section 704a of title 10, United States Code, which would prohibit leave to be authorized, granted or assigned, including uncharged leave, unless expressly authorized by law. The committee considers this provision necessary to clarify that military leave is established by law and may not be created without express congressional authority.

The House amendment contained a provision (sec. 529) that would amend chapter 40 of title 10, United States Code, by adding a new section 701a which would authorize 14 days of leave to a member of the Armed Forces who becomes a parent when that member's spouse gives birth. The provision would also amend section 701 of title 10, United States Code, to authorize 36 days of leave, to be shared between two members of the Armed

Forces who are married to each other and adopt a child.

The House amendment contained a provision (sec. 522) that would amend section 701(i) of title 10, United States Code, to provide one servicemember up to 21 days of leave and another servicemember up to 14 days of leave for the adoption of a child for dual-military couples of the Armed Forces.

The House recedes with an amendment that would authorize up to 12 weeks of total leave, including up to six weeks of medical convalescent leave, to be used by a servicemember who is the primary caregiver in connection with the birth of a child. The provision would authorize additional medical convalescent leave when specifically recommended, in writing, by the medical provider of the servicemember to address a diagnosed medical condition and when approved by the servicemember's commander. The provision would authorize up to six weeks of leave for the primary caregiver in the case of the adoption of a child, to be used in connection with the adoption. The provision would authorize up to 21 days of leave for the secondary caregiver in the case of the birth of a child or adoption. The provision would require the Secretary of Defense to prescribe in regulation definitions of eligible primary and secondary caregivers for the purposes of this benefit, and to establish regulations for requesting and approving uncharged leave associated with births to a military family, and with adoptions by a military family, and would allow a military member to accept a 1-week extension of a servicemember's military service obligation for every week of such leave approved and taken. The implementing regulations would authorize the secretary concerned to waive service obligation extensions related to this leave as an incentive for re-enlistments. The provision would also create a new section 704a of title 10, United States Code, that would prohibit leave to be authorized, granted, or assigned, including uncharged leave, unless expressly authorized by law.

*Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations (sec. 522)*

The Senate bill contained a provision (sec. 533) that would relocate the authority to reimburse members of the Armed Forces for expenses incurred in connection with leave cancelled due to contingency operations from section 453 of title 37, United States Code, to title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

*Expansion of authority to execute certain military instruments (sec. 523)*

The Senate bill contained a provision (sec. 552) that would amend section 1044d of title 10, United States Code, to authorize a person authorized to act as a notary under section 1044a of title 10, United States Code, or a state-licensed notary employed by a military department or the Coast Guard, who is supervised by a military legal assistance counsel, to notarize military testamentary instruments. The provision would also amend section 1044a(b) to authorize all civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel, to act as a notary.

The House amendment contained a similar provision (sec. 524).

The House recedes with a technical amendment.

*Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault (sec. 524)*

The Senate bill contained a provision (sec. 554) that would amend section 1177(a)(1) of

title 10, United States Code, to require that a member of the Armed Forces who was sexually assaulted within 24 months prior to a proposed administrative separation under conditions other than honorable, including an administrative separation in lieu of court-martial, and who is diagnosed with post-traumatic stress disorder or traumatic brain injury by a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member sexually assaulted, the influence of such a condition, may not be separated until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

The House amendment contained no similar provision.

The House recedes.

*Reduction of tenure on the temporary disability retired list (sec. 525)*

The Senate bill contained a provision (sec. 534) that would amend section 1210 of title 10, United States Code, to reduce the maximum tenure for servicemembers placed on the Temporary Disability Retired List (TDRL), due to an injury or illness eligible for disability retirement, from 5 years to 3 years. The committee notes that this provision addresses a recommendation from the Government Accountability Office in 2009 for Congress to shorten the maximum tenure for placement on the TDRL.

The House amendment contained no similar provision.

The House recedes.

*Technical correction to voluntary separation pay and benefits (sec. 526)*

The House amendment contained a provision (sec. 525) that would amend section 1175a of title 10, United States Code, by updating the references to section 502(f) of title 32, United States Code, and the list of involuntary mobilization authorities.

The Senate bill contained no similar provision.

The Senate recedes.

*Consolidation of Army marketing and pilot program on consolidated Army recruiting (sec. 527)*

The Senate bill contained a provision (sec. 1092) that would require the Secretary of the Army to consolidate within the Army Marketing Research Group all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

The House amendment contained a related provision (sec. 527) that would require the Secretary of the Army to establish a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

The Senate recedes with a clarifying amendment that would combine both provisions.

Subtitle D—Member Whistleblower Protections and Correction of Military Records

*Improvements to whistleblower protection procedures (sec. 531)*

The Senate bill contained a provision (sec. 961) that would make numerous amendments

to section 1034 of title 10, United States Code, to clarify and expand the types of adverse personnel actions prohibited under the military whistleblower protection program, to include retaliatory investigations and failures of superiors to respond to retaliatory actions in certain circumstances, as prohibited personnel actions reviewable under that statute. The provision would also require inspectors general (IG) to notify the secretary concerned if, during the IG's preliminary investigation, the IG determined there were reasonable grounds to believe that a prohibited personnel action occurred, and that the action would result in an immediate hardship to the service member, and would authorize the secretary concerned to take action, as appropriate, in such cases. The provision would require an IG to provide periodic updates to whistleblowers on the progress of investigations, to include an estimate of the time remaining until an investigation was complete. Finally, the provision would require the Department of Defense Inspector General, within 1 year of enactment of this Act, to prescribe uniform standards for the conduct of military whistleblower investigations and for the training of staffs conducting such investigations.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned (sec. 532)*

The Senate bill contained a provision (sec. 962) that would amend section 1034 of title 10, United States Code, to clarify that when the secretary of the military department concerned receives a report from an inspector general that substantiates that a prohibited personnel action occurred, the secretary may consider whether to take corrective action but may not make a determination in such cases that a prohibited personnel action did not occur.

The House amendment contained no similar provision.

The House recedes.

*Availability of certain correction of military records and discharge review board information through the Internet (sec. 533)*

The Senate bill contained a provision (sec. 536) that would amend section 1552 of title 10, United States Code, to require that a board convened to consider a claim for correction of military records by a former servicemember (1) who had been deployed in support of contingency operation and who was subsequently diagnosed as experiencing post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI), or (2) who was diagnosed while serving in the military as experiencing a mental health disorder include a clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with PTSD or TBI. The proposal would require the military department concerned, or the Department of Homeland Security, to make available to the public on an Internet website information regarding claims considered by the service board for correction of military records in a calendar quarter.

The Senate bill would also modify section 1553 of title 10, United States Code, to require similar information be made available to the public on an Internet website information regarding claims considered by the service discharge review boards in a calendar quarter.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the requirement that

boards for correction of military records considering dismissal or discharge of an individual who was diagnosed while serving in the military as experiencing a mental health disorder include a clinical psychologist or psychiatrist, or a physician with training on mental health issues connected with PTSD or TBI, and would modify the information required to be made available to the public on an Internet website.

The conferees note that section 1552(g) of title 10, United States Code, already requires that any medical advisory opinion issued with respect to a member or former member of the armed forces who was diagnosed while serving in the armed forces as experiencing a mental health disorder shall include the opinion of a clinical psychologist or psychiatrist if the request for correction of records concerned relates to a mental health disorder.

*Improvements to authorities and procedures for the correction of military records (sec. 534)*

The Senate bill contained a provision (sec. 963) that would amend section 1552(a) of title 10, United States Code, to require that boards for correction of military records (BCMRs) notify claimants of what specific information or documents are needed to make their claim reviewable by the board, if such information or documents are missing, and would require the BCMR to make reasonable efforts to obtain missing records when they cannot be obtained by a claimant. The provision would require the BCMR to consider any request for reconsideration of a determination of a BCMR when new information is provided by a claimant, not previously considered. The provision would reaffirm that claimants may seek judicial review of BCMR decisions, and would require BCMRs to publish final decisions with personally identifiable information redacted. The provision would require each secretary concerned to develop, within 1 year of enactment of this Act, a comprehensive training curriculum for members of BCMRs, and would require the Secretary of Defense and Secretary of Homeland Security to ensure such curricula are uniform. Finally, the provision would require each secretary concerned to submit to Congress within 18 months of enactment a report setting forth the training curriculum established under this section.

The House amendment contained no similar provision.

The House recedes with an amendment that does not include the provision on judicial review of BCMR decisions.

*Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge (sec. 535)*

The Senate bill contained a provision (sec. 536A) that would amend section 1553(d) of title 10, United States Code, to require discharge review boards to review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider presented by a former member of the Armed Forces, and to grant liberal consideration to claims by a former member of the Armed Forces that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in a less favorable characterization of discharge. An application for relief that may be reviewed under this provision includes matters relating to post-traumatic stress disorder or traumatic brain injury related to combat or military sexual trauma, as determined by the Secretary concerned.

The House amendment contained no similar provision.

The House recedes.

*Comptroller General of the United States review of integrity of Department of Defense whistleblower program (sec. 536)*

The Senate bill contained a provision (sec. 964) that would require the Comptroller General of the United States to conduct an assessment of the integrity of the Department of Defense (DOD) whistleblower program, to include an assessment of the extent to which the DOD whistleblower program meets executive branch policies and goals for whistleblower protections, the adequacy of procedures to address whistleblower complaints submitted by employees of the Office of the Inspector General of the Department of Defense (OIG), the extent to which there have been violations of confidentiality standards, the extent to which there have been retaliatory investigations within OIG, the extent to which whistleblower complaints against Senate-confirmed civilian officials of DOD have been substantiated and reported to Congress in the past 10 years, and the ability of the inspectors general of DOD and the military services to access agency information necessary to the execution of their duties, including classified and other sensitive information, and of the adequacy of security procedures to safeguard such information. The provision would require the Comptroller General to report to the Committees on Armed Services of the Senate and House of Representatives within 1 year of enactment of this Act on the results of this review.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to submit the report within 18 months from enactment of this Act.

**Subtitle E—Military Justice and Legal Assistance Matters**

*United States Court of Appeals for the Armed Forces (sec. 541)*

The Senate bill contained a provision (sec. 553) that would amend sections 942 and 936 of title 10, United States Code (Articles 142 and 136 of the Uniform Code of Military Justice) to modify the terms of two civilian judges of the United States Court of Appeals for the Armed Forces (“the court”) to avoid disruption that may occur to the operations of the court when two judicial vacancies occur simultaneously. The provision would modify the daily rate of compensation for senior judges performing judicial duties with the court so that they would be paid the difference between the pay of a judge of the court and their federal retired pay, consistent with the process employed by the United States Court of Appeals for the District of Columbia and the United States Bankruptcy Courts. The provision would authorize the judges of the court to administer oaths in a similar manner as other federal judges. The provision would repeal the provision in article 142(b)(3) that precludes more than three judges of the court from being from the same political party.

The House amendment contained no similar provision.

The House recedes with technical and clarifying amendments.

*Effective prosecution and defense in courts-martial and pilot programs on professional military justice development for judge advocates (sec. 542)*

The Senate bill contained a provision (sec. 548) that would require the service secretaries to carry out a program to ensure that trial and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case, or that there is adequate supervision and oversight of the trial counsel and the defense counsel

to ensure effective prosecution and defense in the court-martial. The provision would also require service secretaries to establish and use a system of skill identifiers to identify judge advocates with skill and experience in military justice proceedings to identify judge advocates to provide supervision and oversight of less experienced judge advocates prosecuting and defending in military courts-martial.

The Senate bill also contained a provision (sec. 549) that would require the secretary of each military department to conduct a 5 year pilot program to assess the feasibility and advisability of a career military justice litigation track for judge advocates in the Armed Forces. The pilot programs would include a military justice career track that leads to senior judge advocates with military justice expertise in prosecuting and defending complex cases in military courts-martial. The provision would use authority provided elsewhere in this Act to suspend limitations on the number of certain senior commissioned officers on active duty, under section 532(a) of title 10, United States Code. The provision would require the use of skill identifiers to identify judge advocates participating in the pilot programs. The provision would also require promotion boards to give the same opportunity for promotion as all other judge advocates being considered for promotion. The provision would require the Secretary of Defense to submit reports on the pilot programs not later than 4 years after the date of enactment of this Act.

The House amendment contained a provision (sec. 547) that would require the secretary of each military department to establish a career military justice litigation track for judge advocates. The military justice career litigation track would provide for assignment and advancement of qualified judge advocates to serve in specified billets in military justice trial and defense counsel, as military trial and appellate judges, military justice instructors, positions in the criminal law offices or divisions of the Armed Forces, Special Victims Prosecutors, Victims’ Legal Counsel, Special Victims’ Counsel, and other positions as the secretary of the military department shall specify. The provision would prohibit a judge advocate participating in the military justice litigation career track from serving more than four years of duty outside of the litigation track. The provision would prohibit any adverse assessment of a judge advocate by reason of participating in the litigation track. The provision would require the secretary of each military department to implement the career litigation track not later than 18 months after enactment. It would require a report from the secretaries of the military departments to the Committees on Armed Services of the Senate and the House of Representatives on the progress in implementing the career litigation track.

The House receded with an amendment that would require the service secretaries to establish programs for deliberate professional developmental programs to ensure effective prosecution and defense in all courts-martial. The amendment requires the service secretaries to establish and use a system of military justice experience designators or skill identifiers. The amendment requires the service secretaries to carry out a pilot program to assess the feasibility and advisability of establishing a deliberate professional development process for judge advocates that leads to military justice practitioners capable of prosecuting and defending complex cases in military courts-martial. Pilot programs established under this provision would be for a period of five years. Not later than four years after the date of enactment of this Act, the secretaries concerned

shall submit a report to the Committees on Armed Services of the Senate and of the House of Representatives providing a description and assessment of the pilot programs and providing such recommendations as the secretary considers appropriate.

*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. 543)*

The Senate bill contained a provision (sec. 543) that would amend section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) to require the annual report on sexual assault and response efforts to include information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.

The House amendment contained no similar provision.

The House recesses.

*Extension of the requirement for annual report regarding sexual assaults and coordination with release of Family Advocacy Program report (sec. 544)*

The Senate bill contained a provision (sec. 551) that would amend section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that would extend the requirement for the annual report on sexual assault in the military under that section through February, 2025, and require the reports to be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than March 31 each year. The provision would also clarify the scope of sexual assaults covered by the report to include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.

The House amendment contained a provision (sec. 542) that would extend the requirement for the annual report through January 31, 2021. The provision would also require release of the report to coincide with the release of the Family Advocacy Program report, as required elsewhere in this Act.

The Senate recesses with an amendment that would establish the date by which the annual report would be provided to be not later than April 30th.

*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 (sec. 545)*

The Senate bill contained a provision (sec. 544) that would require the Sexual Assault Prevention and Response Office of the Department of Defense to establish and issue metrics to be used by the military departments to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

The House amendment contained no similar provision.

The House recesses.

*Training for Department of Defense personnel who investigate claims of retaliation (sec. 546)*

The Senate bill contained a provision (sec. 542) that would require the Secretary of Defense to prescribe training to individuals in the Department of Defense who investigate claims of retaliation on the nature and consequences of retaliation and, in cases involving reports of sexual assault, the nature and consequences of sexual assault trauma.

The House amendment contained a similar provision (sec. 546).

The House recesses with a clarifying amendment.

*Notification to complainants of resolution of investigations into retaliation (sec. 547)*

The Senate bill contained a provision (sec. 541) that would require the Secretary of Defense to prescribe regulations that would require that the results of an investigation of a retaliation complaint by a member of the Armed Forces be reported to the member who initiated the complaint. The report would inform the member whether the complaint was substantiated, unsubstantiated, or dismissed. The provision would also require the Secretary of Homeland Security to prescribe similar regulations to report on retaliation complaints by a member of the Coast Guard.

The House amendment contained no similar provision.

The House recesses with an amendment that would require that the results of the investigation be reported in writing to the member who initiated the complaint.

*Modification of definition of sexual harassment for purposes of investigations by commanding officers of complaints of harassment (sec. 548)*

The Senate bill contained a provision (sec. 550) that would amend section 1561(i) of title 10, United States Code, to modify the definition of sexual harassment. The committee is concerned that the existing definition of sexual harassment has caused the military services to consider sexual harassment as a violation of equal opportunity policy instead of an adverse behavior that data have demonstrated is on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault.

The House amendment contained no similar provision.

The House recesses with a technical amendment that would clarify that the provision would amend section 1561(e) of title 10, United States Code.

*Improved Department of Defense prevention and response to hazing in the Armed Forces (sec. 549)*

The House amendment contained a provision (sec. 544) that would require the Secretary of Defense to establish a system for collection of reports of hazing involving a member of the Armed Forces. The provision would also require the secretaries of the military departments, in consultation with the Chief of Staff of each armed force, to improve training to assist members to better recognize, prevent, and respond to hazing. The amendment would also require an annual survey on hazing and annual reports on hazing that include a description of efforts to prevent and respond to hazing incidents, to track and encourage reporting hazing incidents, and to ensure consistent implementation of anti-hazing policies. The reports required under this section would also address elements prescribed for anti-hazing reports in section 534 of the national Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239).

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would remove the requirement that service secretaries conduct an annual survey on hazing.

The conferees are concerned that the extent of hazing incidents in the armed forces is not fully known. Therefore, the conferees direct that the Department of Defense include questions in existing surveys of members of the Armed Forces to assist in determining the prevalence of hazing incidents in

the Armed Forces, to assess the effectiveness of training in recognizing and preventing hazing, and to determine the extent to which members of the Armed Forces are aware of options to report hazing incidents, including anonymous report options.

Subtitle F—National Commission on Military, National, and Public Service

*Purpose, scope, and definitions (sec. 551)*

The Senate bill contained a series of provisions (sec. 1066-1073) that would create an independent National Commission on Military, National, and Public Service, including a provision (sec. 1066) to establish the purpose and scope of this Commission to consider: (1) the need for a military selective service process, including a continuing need for a mechanism to draft large numbers of replacement combat troops; (2) the means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service; (3) the feasibility of modifying the military selective service process to obtain for military, national, and public service individuals with skills for which the Nation has a critical need, without regard to age or gender; and (4) the feasibility of including in the military selective service process, as so modified, an eligibility for one or more Federal benefits to incentivize the necessary education, training, and service to fulfill such critical needs.

The House amendment contained no similar provision.

The House recesses.

*Preliminary report on purpose and utility of registration system under Military Selective Service Act (sec. 552)*

The House amendment contained a provision (sec. 528) that would require the Secretary of Defense to submit, not later than July 1, 2017, a report to the Committees on Armed Services of the Senate and the House of Representatives, on the current and future need for a centralized registration system under the Military Selective Service Act, chapter 49 of title 50, United States Code, and provide a briefing on the results of the report not later than July 1, 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the report to also be provided to the National Commission on Military, National, and Public Service created under this Act.

*National Commission on Military, National, and Public Service (sec. 553)*

The Senate bill contained a provision (sec. 1067) that would establish the National Commission on Military, National, and Public Service as an independent commission. The provision would prescribe the manner and timing in which the Commission would be appointed, its composition, pay rates for members and staff, and would provide sundry other authorities attending to the operation of the Commission as an independent entity.

The Senate bill contained a provision (sec. 1073) that would require that of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2017, \$15.0 million be available to the National Commission on Military, National, and Public Service until expended to carry out its duties under this subtitle.

The House amendment contained no similar provisions.

The House recesses.

*Commission hearings and meetings (sec. 554)*

The Senate bill contained a provision (sec. 1068) that would require the National Commission on Military, National, and Public Service to conduct public hearings (except

classified hearings) on recommendations under consideration, and that such hearings be noticed on a public website at least 14 days in advance. The provision would require the Commission to hold its first meeting within 30 days after all members have been appointment.

The House amendment contained no similar provision.

The House recesses.

*Principles and procedure for Commission recommendations (sec. 555)*

The Senate bill contained a provision (sec. 1069) that would require the President, within 3 months after the establishment date of the National Commission on Military, National, and Public Service, to establish and transmit to the Commission and Congress principles for reform of the military selective service process, including the means by which to best acquire skills to meet the military, national, and public service requirements of the country. The provision would require these Presidential principles to address: (1) whether, in light of the current global security environment, there continues to be a need for a selective service process designed to produce large quantities of combat troops, and if so, whether that system should include mandatory registration by citizens and residents regardless of gender; (2) the need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing certain critical skills and abilities, and how to best employ individuals with those skills and abilities; (3) how to foster within the nation, particularly among the nation's youth, an increased sense of service and civic responsibility to enhance the acquisition of critically needed skills through education and training, and how best to acquire those skills for military, national, and public service; (4) how to increase propensity among the nation's youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service; (5) the need in government to increase interest, education, and employment in certain critical fields, including particularly science, technology, engineering, and mathematics, national security, cyber, linguistics and foreign language, education, health care, and the medical professions; and (6) how military national, and public service may be incentivized, including through educational benefits, grants, Federally-insured loans, Federal or State hiring preferences, or other mechanisms the President considers appropriate. The provision would require certain cabinet officials and other officials or experts to transmit to the Commission and Congress recommendations for the reform of the military selective service process, and military, national, and public service in connection with that process.

The Senate bill contained a provision (sec. 1071) that would preclude the actions of the President, cabinet officials and other individuals required to provide recommendations under this subtitle, and the Commission on Military, National, and Public Service from judicial review of their actions taken under this subtitle.

The House amendment contained no similar provisions.

The House recesses.

*Executive Director and staff (sec. 556)*

The Senate bill contained a provision (sec. 1070) that would authorize the National Commission on Military, National, and Public Service to appoint, and fix the rate of pay of, an Executive Director and staff. The provision would limit detailees from Executive Branch agencies to no more than one-third

of the personnel employed by the Commission, and would prohibit the detail of executive branch employees to the Commission who in the year prior to the detail were substantially involved with the development of recommendations provided to the Commission.

The House amendment contained no similar provision.

The House recesses.

*Termination of Commission (sec. 557)*

The Senate bill contained a provision (sec. 1072) that would provide for the termination of the National Commission on Military, National, and Public Service no later than 36 months after the Commission establishment date.

The House amendment contained no similar provision.

The House recesses.

Subtitle G—Member Education, Training, Resilience, and Transition

*Modification of program to assist members of the Armed Forces in obtaining professional credentials (sec. 561)*

The Senate bill contained a provision (sec. 562) that would amend section 2015 of title 10, United States Code, to include within the program to assist members in obtaining professional credentials those credentials that were acquired during military service but which were not necessarily obtained incident to the performance of their military duties. The provision would also eliminate the requirement that credentialing programs be accredited by third party accreditation bodies, and instead would require that credentialing programs meet certain other quality assurance benchmarks.

The House amendment contained a similar provision (sec. 561).

The House recesses with a technical amendment.

*Inclusion of alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling (sec. 562)*

The House amendment contained a provision (sec. 569) that would amend section 1142(b)(11) of title 10, United States Code, to include alcohol, prescription drug, opioid, and other substance abuse counseling as part of required pre-separation counseling.

The Senate bill contained no similar provision.

The Senate recesses.

*Inclusion of information in Transition Assistance Program regarding effect of receipt of both veteran disability compensation and voluntary separation pay (sec. 563)*

The House amendment contained a provision (sec. 569A) that would amend section 1144(b) of title 10, United States Code, to require information be provided in the course of the Transition Assistance Program regarding the required deduction of disability compensation paid by the Secretary of Veterans Affairs by the amount of voluntary separation pay received by the member.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

*Training under Transition Assistance Program on employment opportunities associated with transportation security cards (sec. 564)*

The House amendment contained a provision (sec. 3511) that would require the Transition Assistance Program to provide information on career opportunities for employment available to members with transportation security cards issued under section 70105 of title 46, United States Code, within 180 days after the date of enactment.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

*Extension of suicide prevention and resilience program (sec. 565)*

The Senate bill contained a provision (sec. 524) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2022.

The House amendment contained a provision (sec. 599G) that would amend section 10219(g) of title 10, United States Code, to extend the authority for suicide prevention and resilience programs for the National Guard and Reserves until October 1, 2018.

The Senate recesses.

*Congressional notification in advance of appointments to service academies (sec. 566)*

The House amendment contained a provision (sec. 569C) that would amend sections 4342, 6954, and 9342 of title 10, United States Code, and section 51302 of title 46, United States Code, to require the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Merchant Marine Academy to notify a Senator, Representative, or Delegate of the appointment of a cadet or midshipman nominated by that member of Congress at least 48 hours in advance of the official notification or announcement of the appointment. The advance notification requirement would be effective for classes entering these service academies after January 1, 2018.

The Senate bill contained no similar provision.

The Senate recesses.

*Report and guidance regarding Job Training, Employment Skills Training, Apprenticeships, and Internships and SkillBridge initiatives for members of the Armed Forces who are being separated (sec. 567)*

The House amendment contained a provision (sec. 569B) that would require the Under Secretary of Defense for Personnel and Readiness to submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report evaluating the success of the Job Training, Employment Skills Training, Apprenticeships, and Internships (known as JTEST-AI) and SkillBridge initiatives.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would extend the completion date for the report from 90 days to 180 days and narrow the scope of the report.

*Military-to-mariner transition (sec. 568)*

The House amendment contained a provision (sec. 563) that would require a report from the Secretary of Defense and the Secretary of Homeland Security to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the efforts to ensure military service, training and qualifications are creditable towards merchant marine licenses and certifications.

The Senate bill contained no similar provision.

The Senate recesses.

Subtitle H—Defense Dependents' Education and Military Family Readiness Matters  
*Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 571)*

The Senate bill contained a provision (sec. 571) that would authorize \$25.0 million in Operation and Maintenance, Defense-wide, for

continuation of the Department of Defense (DOD) assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

The Senate bill also contained a provision (sec. 572) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities (as enacted by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a) using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible dependents with severe disabilities.

The House amendment contained a provision (sec. 571) that would authorize \$30.0 million in Operation and Maintenance, Defense-wide, for continuation of the DOD assistance program to local educational agencies impacted by enrollment of dependent children of military members and DOD civilian employees.

The Senate recedes with an amendment that would authorize \$30.0 million in supplemental impact aid, and \$5.0 million for impact aid for children with severe disabilities.

*One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies (sec. 572)*

The Senate bill contained a provision (sec. 574) that would amend section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) to extend the authorities relating to transition and support of military dependent students to local educational agencies from September 30, 2016, to September 30, 2017. The provision would also require the administration to submit detailed budget justification information with any annual budget request that includes a request for the future extension of these authorities.

The House amendment contained no similar provision.

The House recedes with a technical amendment to correct the statutory citation of the amended section.

*Annual notice to members of the Armed Forces regarding child custody protections guaranteed by the Servicemembers Civil Relief Act (sec. 573)*

The House amendment contained a provision (sec. 526) that would require the secretaries of the military departments to ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

The Senate bill contained no similar provision.

The Senate recedes.

*Requirement for annual Family Advocacy Program report regarding child abuse and domestic violence (sec. 574)*

The House amendment contained a provision (sec. 543) that would require the Secretary of Defense to provide to the Committees on Armed Services of the Senate and of the House of Representatives an annual report, beginning not later than January 31, 2017 and continuing through January 31, 2012, on the child abuse and domestic abuse incident data contained in the Department of Defense Family Advocacy Program central registry for the previous year, and an analysis of the effectiveness of the Family Advocacy Program.

The Senate bill amendment contained no similar provision.

The Senate recedes with an amendment that would establish the date by which the annual report would be provided to be not later than April 30, 2017, and annually thereafter through April 30, 2021.

*Reporting on allegations of child abuse in military families and homes (sec. 575)*

The Senate bill contained a provision (sec. 577) that would require the Secretary of Defense and the Secretary of Homeland Security to prescribe regulations to ensure that the family advocacy program office at a military installation to which a member of the Armed Forces is assigned is provided an immediate report of credible information obtained by any individual in the chain of command of the servicemember, that a child in the family or home of the servicemember has suffered an incident of child abuse. The provision would require a similar report by any member of the Armed Forces in a profession described by subsection 226(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) who has reason to suspect that a child in the family or home of a servicemember has suffered an incident of child abuse.

The House amendment contained a similar provision (sec. 541).

The House recedes with a technical amendment.

*Repeal of Advisory Council on Dependents' Education (sec. 576)*

The Senate bill contained a provision (sec. 581) that would repeal section 1411 of the Defense Dependents' Education Act of 1978 to abolish the Advisory Council on Dependents' Education.

The House amendment contained no similar provision.

The House recedes.

*Support for programs providing camp experience for children of military families (sec. 577)*

The Senate bill contained a provision (sec. 579) that would authorize the Secretary of Defense to provide financial or non-monetary support to qualified non-profit organizations to assist those organizations in carrying out programs to support attendance at a camp or camp-like setting for children of military families.

The House amendment contained a similar provision (sec. 572).

The Senate recedes with an amendment that would remove the requirement that the Secretary accord a preference in the approval of applications submitted by certain organizations.

*Comptroller General of the United States assessment and report on Exceptional Family Member Programs (sec. 578)*

The Senate bill contained a provision (sec. 580) that would require the Comptroller General of the United States to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the effectiveness of each Exceptional Family Member Program of the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General of the United States to conduct an assessment on the effectiveness of each Exceptional Family Member Program of the Armed Forces and to provide a report to the Committees on Armed Services of the Senate and the House of Representatives by December 31, 2017.

*Impact aid amendments (sec. 579)*

The Senate bill contained a provision (sec. 573) that would amend sections 7003(b)(2)(B)(i)(I), 7003(b)(2)(B)(i)(II)(bb), and 7003(b)(2)(B)(i)(IV) of the Elementary and Secondary Education Act of 1965 (most recently amended by Public Law 114-95) to: 1)

make a technical correction to the current statute to prevent the inadvertent disqualification of some local school districts from the Impact Aid heavily impacted program whose boundaries are within the perimeter of military installations; 2) provide additional time to collect data on the effects to the Impact Aid heavily impacted program; and 3) adjust eligibility criteria to meet congressional intent.

The House amendment contained a provision (sec. 573) that would amend section 8003(a)(5)(A) of the Elementary and Secondary Education Act of 1965 (most recently amended by Public Law 114-95) to authorize a provision that counts all military-connected students living in military housing equally to take effect immediately.

The Senate recedes with an amendment that would combine these provisions.

The conferees intend that if a local educational agency is eligible to receive a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) as amended by this section and the Every Student Succeeds Act then subclause (IV) takes priority over other subclauses. The conferees further intend that if a local educational agency is not eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) as amended by this section and the Every Student Succeeds Act but is eligible under section 7003(b)(2) then the local educational agency may apply under that section.

Subtitle I—Decorations and Awards

*Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list (sec. 581)*

The Senate bill contained a provision (sec. 589) that would posthumously advance Colonel George E. "Bud" Day, United States Air Force, to the rank of brigadier general on the retired list of the United States Air Force. Colonel Day's benefits would not be affected by this action.

The House amendment contained no similar provision.

The House recedes.

*Authorization for award of medals for acts of valor during certain contingency operations (sec. 582)*

The House amendment contained a provision (section 582) that would waive the time limitations prescribed in various sections of title 10, United States Code, to authorize the President to award certain valor awards, including the Congressional Medal of Honor, to a member or former member of the Armed Forces for service in Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom's Sentinel, and Operation Inherent Resolve, resulting from a review of valor award nominations directed by the Secretary of Defense on January 7, 2016. The time waiver provided under the House amendment would expire on December 31, 2019.

The Senate bill had no similar provision.

The Senate recedes with a technical amendment.

*Authorization for award of the Medal of Honor to Gary M. Rose and James C. McCloughan for acts of valor during the Vietnam War (sec. 583)*

The Senate bill contained a provision (sec. 587) that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Gary M. Rose for acts of valor from September 11 through 14, 1970, during the Vietnam War, while a member of the United States Army, Military Assistance Command Vietnam—Studies and Observation Group (MACVSOG).

The House amendment contained an identical provision (sec. 583).

The conference agreement includes the provision with an amendment that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to James C. McCloughan for acts of valor during combat operations between May 13, 1969 and May 15, 1969, during the Vietnam War, while serving as a combat medic with Company C, 3d Battalion, 21st Infantry, 196th Light Infantry Brigade, American Division, Republic of Vietnam.

*Authorization for award of Distinguished Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor during World War II (sec. 584)*

The House amendment contained a provision (sec. 585) that would authorize the Secretary of the Army to award the Distinguished Service Cross to First Lieutenant Melvin M. Spruiell for acts of valor while a member of the Army serving in France with the 377th Parachute Field Artillery, 101st Airborne Division, from June 10 to 11, 1944.

The Senate bill contained no similar provision.

The Senate recedes.

*Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II (sec. 585)*

The Senate bill contained a provision (sec. 588) that would authorize the Secretary of the Army to award the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor while interned as a prisoner of war by Japan, from December 30, 1941 to September 7, 1944.

The House amendment contained no similar provision.

The House recedes.

*Review regarding award of Medal of Honor to certain Asian American and Native American Pacific Islander War Veterans (sec. 586)*

The House amendment contained a provision (sec. 581) that would require the Secretaries of the military departments to review the service records of certain Asian American and Native American Pacific Islander veterans from the Korean war and Vietnam war veterans to determine if the award of the Medal of Honor is appropriate. The House provision would require the services to review the records of veterans who were previously awarded the Distinguished Service Cross, the Navy Cross, and the Air Force Cross, and in those cases where the Secretary concerned determines that the service records of those veterans support the award of the Medal of Honor, this section would also waive the statutory time limitations for award of the Medal of Honor.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretaries of the military departments to review the service records of former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, and the Air Force Cross and in those cases where the Secretary concerned determines that the service records of those veterans support the award of the Medal of Honor, this section would also waive the statutory time limitations for award of the Medal of Honor.

Subtitle J—Miscellaneous Reports and Other Matters

*Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President (sec. 591)*

The Senate bill contained a provision (sec. 595) that would repeal section 9337 of title 10,

United States Code, that requires a chaplain at the United States Air Force Academy appointed by the President. The section is not required because the Air Force and the other military departments already assign chaplains to the service academies under existing service personnel assignment procedures.

The House amendment contained no similar provision.

The House recedes.

*Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies (sec. 592)*

The Senate bill contained a provision (sec. 596) that would amend section 1559 of title 10, United States Code, to extend the limitation on reducing the number of military and civilian personnel assigned to duty with the service review agencies through December 31, 2019.

The House amendment contained no similar provision.

The House recedes.

*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. 593)*

The Senate bill contained a provision (sec. 593) that would require a report to be delivered to the Committees on Armed Services of the Senate and the House of Representatives by the Chief of Staff of the Army, the Commandant of the Marine Corps, and the Commander of the United States Special Operations Command annually on April 1, 2017, and each year thereafter through 2021 on the progress of integrating women into military occupational specialties and units recently opened to women.

The House amendment contained no similar provision.

The House recedes with an amendment that would narrow the scope of the report and change the final report date to 2020.

*Report on feasibility of electronic tracking of operational active-duty service performed by members of the Ready Reserve of the Armed Forces (sec. 594)*

The House amendment contained a provision (sec. 515) that would require the Secretary of Defense to establish electronic means for reserve component members to track qualifying operational active-duty service that would enable early receipt of reserve retired pay under section 12731(f) of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to assess the feasibility of such an electronic tracking system, and to provide a report to the Committees on Armed Services of the Senate and House of Representatives by no later than May 1, 2017.

*Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers (sec. 595)*

The Senate bill contained a provision (sec. 597) that would require the secretaries of the Navy and the Air Force to submit a report to the Committees on Armed Services of the Senate and of the House of Representatives, not later than 180 days after enactment, on the feasibility and advisability of having warrant officers discharge the duties of pilots and other flight officer positions currently discharged by commissioned officers.

The House amendment contained no similar provision.

The House recedes.

*Body mass index test (sec. 596)*

The House amendment contained a provision (sec. 593) that would require the Sec-

retary of Defense to review the current body mass index test procedure used by the Armed Forces and to determine the best methods to assess body fat percentages to improve the accuracy of body fat measurements.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the service secretaries to conduct the review of current body mass index test procedures and other methods to measure body fat with a more holistic health and wellness approach.

*Report on career progression tracks of the Armed Forces for women in combat arms units (sec. 597)*

The Senate bill contained a provision (sec. 594) that would require the Secretary of Defense to submit a description of the career progression track for entry level and laterally moved female service members, both officer and enlisted, of each Armed Force for positions that have been opened as a result of the December 3, 2015, decision by the Secretary to open all previously closed military occupations to women.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Temporary suspension of officer grade strength tables*

The Senate bill contained a provision (sec. 503) that would amend sections 523

(a) and 12011(a) of title 10, United States Code, to remove the limitations on the total number of commissioned officers authorized to serve on Active Duty or on full-time reserve component duty in the pay grades of O-4 through O-6 as of the end of the fiscal year for fiscal years 2017 through 2021.

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe that providing relief from statutory caps on the numbers of officers of the active and reserve components serving in pay grades from O-4 to O-6, for an appropriate trial period, may allow the secretaries of the military departments to adjust the shape of their officer corps to affect talent management-based promotion systems and more quickly adapt to changing war fighting requirements and available talent supply. The conferees are concerned that such statutory flexibility must be exercised in a manner that would promote lean, efficient, and highly effective officer corps and must not result in bloated senior officer ranks that impede the proper administration of the officer personnel management system. Therefore, the conferees modify the reporting requirement directed in the Senate report accompanying section 503 of S.2943 (S. Rept. 114-255) to require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2017, describing how the military departments would propose to use the authority described in section 503 of the Senate-passed bill, a description of the specific categories of adjustments in control grades and the number and percentages of such adjustments desired, and an assessment of the impact of the authority, if implemented, on the desired officer grade composition of the military departments. The report shall specifically address the proposed use of this authority for military intelligence officers, foreign area specialists, judge advocates with a military justice skill identifier, and officers with expertise in cyber matters.

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

The Senate bill contained a provision (sec. 504) that would amend section 533 of title 10,

United States Code, to authorize service secretaries to credit an applicant for an original appointment in a commissioned grade with an amount of constructive credit limited to the amount required for an original appointment in the grade of colonel in the Army, Air Force, or Marine Corps, or in the grade of captain in the Navy. The provision would authorize the secretary concerned to award constructive credit for leadership experience, professional credentials, and technical expertise to directly commission officers up to the grade of O-6.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that another provision of this Act would authorize the military departments to conduct pilot programs to commission cyber professionals. The conferees recognize that the use of similar authorities to commission professionals such as doctors, lawyers, and chaplains continues to have great utility in providing trained professionals for the military departments. It may be useful to extend such authorities to branches, career fields, and occupational specialties that may be designated by the services as having technical or warfighter status. The conferees encourage the Department of Defense to provide detailed information to the Committees on Armed Services of the Senate and of the House of Representatives on how the expanded use of such authorities may be utilized.

*Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list*

The Senate bill contained a provision (sec. 505) that would amend section 616 of title 10, United States Code, to authorize an officer promotion board to recommend Active-Duty officers of particular merit to be placed at the top of the promotion list.

The House amendment contained no similar provision.

The Senate recedes.

The conferees remind the Department of Defense that the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) identified the need to review and modernize procedures to select officers for promotion. The Department of Defense was encouraged to develop recommendations to enhance the flexibility of selection boards to identify and select officers of particular merit for early promotion, using procedures that all stakeholders would view as objective and fair. Despite the Department's much-touted Force of the Future studies, the last year saw no recommendations to Congress that would provide the flexibility the Department claims to need to recruit, commission, promote, and retain the high quality all-volunteer force the Nation requires.

*Limitations on ordering selected reserve to active duty for preplanned missions in support of the combatant commands*

The House amendment contained a provision (sec. 513) that would amend section 12304(b) of title 10, United States Code, to authorize the Secretary of Defense to order any unit of the Selected Reserve to Active Duty during the year of execution if the Secretary identifies manpower and associated costs as an emerging requirement in the year of execution and provides a 30-day notice to the congressional defense committees.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the authority to order Selected Reserve units to Active Duty under section 12304(b) of title 10, United States Code, is designed to incentivize deliberate planning for the use of the Selective

Reserve as part of the operational force by requiring missions to be planned in advance and included in annual budget submissions. Other provisions of title 10, United States Code, provide authority to order members and units of the reserve components to Active Duty to address emerging requirements arising during the year of execution.

*Exemption of military technicians (dual status) from civilian employee furloughs*

The House amendment contained a provision (sec. 514) that would amend section 10216(b)(3) of title 10, United States Code, to exempt military dual-status technicians from civilian employee furloughs.

The Senate bill contained no similar provision.

The House recedes.

*Authority to designate certain Reserve officers as not to be considered for selection for promotion*

The Senate bill contained a provision (sec. 522) that would amend section 14301 of title 10, United States Code, to authorize the secretaries of the military departments to defer promotion consideration for reserve component officers in a non-participatory (membership points only) status.

The House amendment contained no similar provision.

The Senate recedes.

*Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces*

The Senate bill contained a provision (sec. 531) that would vest in the Chief of Staff of each of the Armed Forces the responsibility for establishing, approving, and modifying the criteria, standards, and qualifications for military specialty codes within that Armed Force. The Secretary of Defense would retain oversight authority.

The House amendment contained no similar provision.

The Senate recedes.

The conferees expect service secretaries to consult with and receive the advice of the Chiefs of Staff of each of the Armed Forces when making decisions on military standards and qualifications.

*Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces*

The Senate bill contained a provision (sec. 537) that would amend section 12102(b) of title 10, United States Code, to align the requirements for enlistment in the reserve components of the Armed Forces with the requirements for enlistment in the active components.

The House amendment contained no similar provision.

The Senate recedes.

*Burdens of proof applicable to investigations and reviews related to protected communications of members of the armed forces and prohibited retaliatory actions.*

The House amendment contained a provision (sec. 545) that would amend section 1034 of title 10, United States Code, to establish the burden of proof under this section for military retaliation investigations to be the same as the burden of proof applicable to retaliation investigations under section 1221(e) of title 5, United States Code.

The Senate bill contained no similar provision.

The House recedes.

The conferees included a number of provisions in this Act that will provide necessary tools to allow military victims of retaliation to be provided full, fair, and expeditious investigation and relief, when appropriate, in response to alleged retaliation. The conferees are mindful however that the require-

ments, hardships, and sacrifices of military service are unique and unlike those of the federal civilian workplace that section 1221(e) of title 5 is intended to address. We consider the burden of proof standards under section 1221(e) to be properly tailored to the federal civilian workforce. However, the conferees concluded that the burden of proof standards that properly apply in a civilian context are not amenable to the unique demands of military service. The conferees remain concerned about reports from military personnel who indicate they have been subjected to retaliation after making protected communications. The conferees intend to remain seized of this issue and will assess the impact of the provisions in this bill to reducing the prevalence of retaliation in the military.

*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*

The Senate bill contained a provision (sec. 546) that would amend section 806b(c) of title 10, United States Code (Article 6b(c), Uniform Code of Military Justice (UCMJ)) to authorize military judges to decide on a case-by-case basis whether it is appropriate to appoint an individual to assume the victim's rights in all cases under the UCMJ in which the victim of an offense is under 18 years of age (unless the victim is a member of the Armed Forces) or is incompetent, incapacitated, or deceased.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that a similar provision is included in the Military Justice Act of 2016 which is enacted elsewhere in this Act.

*Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice*

The Senate bill contained a provision (sec. 547) that would amend section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice (UCMJ)) to authorize victims to file pleadings as a real party in interest when the Government files appellate pleadings implicating the victim's rights relating to Military Rule of Evidence (MRE) 412, relating to the admission of evidence regarding a victim's sexual background; MRE 513, relating to the psychotherapist-patient privilege; or MRE 514, relating to the victim advocate-patient privilege. The provision would also amend section 806b of title 10, United States Code (article 6b of the UCMJ) to afford a victim with the right to reasonable, accurate, and timely notice of any appellate matters.

The House contained no similar provision.

The Senate recedes.

The conferees understand that the Judicial Proceedings Panel (JPP) established by section 576 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) will receive testimony and address this issue in future public meetings of the JPP. The conferees will reconsider this issue after receipt of the JPP recommendations.

*Limitation on tuition assistance for off-duty training or education*

The Senate bill contained a provision (sec. 561) that would amend section 2007 of title 10, United States Code, to limit the tuition assistant program for off-duty training and education to education programs likely to contribute to the professional development of the servicemember.

The House amendment contained no similar provision.

The Senate recedes.

The conferees support Department of Defense and military service efforts over the past several years to ensure the integrity of the tuition assistance program, and the educational success of servicemembers utilizing the benefit, through implementation of common-sense restrictions on premature use by servicemembers still adjusting to military life and who are still learning their military occupations, as well as restrictions on those who would inappropriately use the benefit to acquire additional degrees at the same level of attainment.

*Establishment of ROTC cyber institutes at senior military colleges*

The House amendment contained a provision (sec. 562) that would amend chapter 103 of title 10, United States Code, to authorize the Secretary of Defense to carry out a program to establish ROTC Cyber Institutes at the six Senior Military Colleges for purposes of accelerating the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the Armed Forces and Department of Defense, to include such leaders of the Reserve Components.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that many ROTC programs are beginning to implement cyber training for critical cyber operational skills. The conferees encourage these and other ROTC programs to continue building and teaching a cyber framework for future military and civilian leaders of the Armed Forces and Department of Defense.

*Access to Department of Defense installations of institutions of higher education providing certain advising and student support services*

The Senate bill contained a provision (sec. 563) that would amend chapter 101 of title 10, United States Code, to require the Secretary of Defense to grant access to all Department of Defense installations any institution of higher education that has a Voluntary Education Partnership Memorandum of Understanding with the Department for the purposes of student advising and support services.

The House amendment contained no similar provision.

The Senate recedes.

*Employment authority for civilian faculty at certain military department schools*

The House amendment contained a provision (sec. 564) that would amend section 4021 of title 10, United States Code, to authorize the Secretary concerned to hire staff for professional military education courses regardless of course length.

The Senate bill contained no similar provision.

The House recedes.

*Revision of name on military service record to reflect change in name of a member of the Army, Navy, Air Force, or Marine Corps, after separation from the Armed Forces*

The House amendment contained a provision (sec. 565) that would amend section 1551 of title 10, United States Code, to allow persons who legally change their name to reflect their gender identity after separation from the Armed Forces to receive a new certificate of discharge or acceptance of resignation order under that new name.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that former service members currently have a process to request their name be changed on official service discharge documents to reflect a legal name change, by submitting a request to the ap-

propriate service board for correction of military or naval records. Effective October 1, 2016, the Department of Defense (DoD) and the Military Departments will implement DoD Instruction 1300.28, that requires the services to provide servicemembers a process by which, while serving, they may change their gender. The conferees expect the Department to make the necessary changes to regulations to provide former members a simplified process to reflect a name change in military personnel records due to change in gender identity or other lawful purpose.

*Direct employment pilot program for members of the National Guard and Reserve*

The House amendment contained a provision (sec. 566) that would authorize the Secretary of Defense to carry out a pilot program to enhance efforts of the Department of Defense to provide job placement assistance and related employment services directly to members of the National Guard and Reserves. This section would also require the Secretary to submit a report on the program to the Committees on Armed Services of the Senate and the House of Representatives by January 31, 2021.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the South Carolina and California National Guards conduct state employment programs that have seen success in recent years and serve as a model for other states and territories to set up similar state employment programs. The conferees note the numerous employment assistance programs for transitioning servicemembers coordinated by the military services, the Department of Defense, the Department of Labor, and the Department of Veterans Affairs, such as the Department of Labor's Veterans' Employment and Training Service and the Department of Veterans Affairs' VA for Vets program and Fed's Hire Vets employment tool. The conferees encourage the Chief of the National Guard Bureau to work with the Secretary of Defense to coordinate with the Secretary of Labor and the Secretary of Veterans Affairs to leverage these preexisting Federal employment programs.

*Prohibition on establishment, maintenance, or support of Senior Reserve Officers' Training Corps units at educational institutions that display the Confederate battle flag*

The House amendment contained a provision (sec. 567) that would amend section 2102 of title 10, United States Code, to prohibit the secretary concerned from establishing, maintaining, or supporting a Senior Reserve Officers' Training Corps unit at an educational institution that displays the Confederate battle flag except where the board of visitors has voted to take down the flag described.

The Senate bill contained no similar provision.

The House recedes.

*Report on composition of service academies*

The House amendment contained a provision (sec. 568) that would require the Comptroller General of the United States to submit a report on the demographic composition of the service academies.

The Senate bill contained no similar provision.

The House recedes.

*Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families*

The Senate bill contained a provision (sec. 576) that would amend section 1056 of title 10, United States Code, to permit enhanced flexibility in giving relocation assistance to members of the Armed Forces and their fam-

ilies. The provision would allow the Department of Defense to adapt the delivery of relocation assistance to meet the evolving needs of military servicemembers and their families by leveraging technology to improve access, efficiency, and responsiveness of the relocation assistance program, especially in situations where servicemembers reside overseas or away from a military installation with a relocation assistance program. Finally, the provision would establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

The House amendment contained no similar provision.

The Senate recedes.

*Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents*

The Senate bill contained a provision (sec. 578) that would require certain local educational agencies receiving impact aid under subchapter VII of chapter 70 of title 20, United States Code, and each Department of Defense (DOD) domestic dependent elementary and secondary school, within 2 years of enactment of this Act, to establish policies and procedures requiring a criminal background check for each school employee of the agency or school.

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe the protection of school children from would-be predators is of paramount importance. Children of military personnel, who by virtue of a parent's military service are more transient with fewer community ties and relationships, may be more vulnerable to such predators. The conferees believe it is important that appropriate criminal background checks be conducted of school employees in Department of Defense (DOD) schools and local educational activities that educate military family members. Despite the requirement in every state that background checks be conducted, and recently-enacted prohibitions in the Every Student Succeeds Act that restrict the movement and reemployment of predators in other states, there were still 496 arrests of school employees in the United States last year for sexual misconduct with children, according to press reports. Clearly, the problem of child predation and abuse remains in our local school systems. The conferees note that DOD schools conduct thorough criminal background checks on their employees, and the conferees are committed to subjecting DOD schools to the oversight required to ensure that they conduct thorough criminal background checks on their employees. Given the critical importance of this issue and the defense authorizing committees' continuing concern that children at risk are adequately protected, the conferees strongly urge DOD to work as closely as possible with local school districts that educate military family members to share best practices to help those districts develop and improve comprehensive employment screening policies to ensure the safety of military children. The conferees direct the Department to provide a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 1 year after the date of enactment of this Act, on the Department's efforts to: 1) identify, to the extent practicable, any shortfalls in employee screening processes in local school districts educating military family members; and 2) provide recommendations to help address those shortfalls in the future.

*Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam war*

The Senate bill contained a provision (sec. 586) that would waive the time limitations specified in section 3744 of title 10, United States Code, to authorize the President to award the Medal of Honor to Charles S. Kettles, for acts of valor on May 15, 1967, during the Vietnam War, while serving as Flight Commander in the United States Army, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam.

The House amendment contained a similar provision (sec. 584).

The conference agreement does not include this provision.

The conferees note the authority to waive the time limitations for award of the Medal of Honor were included in the Consolidated Appropriations Act of 2016 (P.L. 114-113). The President awarded Mr. Kettles the Medal of Honor in a ceremony at the White House on July 18, 2016.

*Burial of cremated remains in Arlington National Cemetery of certain persons whose service is deemed to be active service.*

The House amendment contained a provision (sec. 591) that would amend section 2410 of title 38, United States Code, to require the Secretary of the Army to ensure that the cremated remains of certain individuals whose service has been determined to be active duty service are eligible for inurnment with military honors in Arlington National Cemetery.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that on May 20, 2016 the President signed into law the Women Airforce Service Pilot Arlington Inurnment Restoration Act (P.L. 114-158), which provided the authority contained in section 591 of the House amendment.

*Applicability of Military Selective Service Act to female citizens and persons*

The Senate bill contained a provision (sec. 591) that would amend the Selective Service Act (Public Law 65-12) to include women in the requirement to register for selective service, to the same extent men are currently required, beginning January 1, 2018.

The House amendment contained no similar provision.

The Senate recedes.

*Representation from member of the Armed Forces on boards, councils, and committees making recommendations relating to military personnel issues*

The House amendment contained a provision (sec. 592) that would require that enlisted or retired enlisted members of the armed forces be represented on all boards, panels, commissions, or task forces established under chapter 7 of title 10, United States Code, to render a recommendation on any aspect of personnel policy directly affecting enlisted personnel.

The Senate bill contained no similar provision.

The House recedes.

The conferees believe it is essential that the views of enlisted members must be considered by boards charged with developing informed and effective military personnel policy. The conferees expect that the Secretary of Defense, the secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the service chiefs, and their senior enlisted advisers will ensure that enlisted representation is included in such boards to the maximum extent practicable.

*Preparation counseling regarding options for donating brain tissue at time of death for research*

The House amendment contained a provision (sec. 594) that would require servicemembers to receive information during transition separation counseling concerning options for donating brain tissue at the time of death of the servicemember for chronic traumatic encephalopathy research.

The Senate bill contained no similar provision.

The House recedes.

*Recognition of the expanded service opportunities available to female members of the Armed Forces and the long service of women in the Armed Forces*

The House amendment contained a provision (sec. 595) that would express Congress' recognition of women who have served and are currently serving in the Armed Forces.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that female members of the Armed Forces are invaluable and integral to the Armed Forces and that the United States must continue to encourage and support female members of the Armed Forces as they serve our Nation.

*Sense of Congress regarding plight of male victims of military sexual assault*

The House amendment contained a provision (sec. 596) that would express the sense of Congress that the Secretary of Defense should enhance access to intensive medical and mental health treatment of male victims of sexual assault, look for opportunities to use male victims as presenters at prevention training, and ensure medical and mental health providers are trained to meet the needs of male victims.

The Senate bill contained no similar provision.

The House recedes.

The conferees remain concerned that more must be done to address the unique issues and concerns affecting male victims of sexual assault. For that reason, section 538 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) requires the Secretary of Defense, in collaboration with the secretaries of the military departments, to develop a comprehensive plan to improve Department of Defense prevention and response to sexual assaults in which the victim is a male member of the armed forces. The conferees look forward to receiving the plan from the Secretary of Defense and intend to monitor the efficacy of the plan.

*Sense of Congress regarding section 504 of title 10, United States Code, on existing authority of the Department of Defense to enlist individuals, not otherwise eligible for enlistment, whose enlistment is vital to the national interest*

The House amendment contained a provision (sec. 597) that would express the sense of Congress that section 504 of title 10, United States Code, authorizes the Department of Defense to enlist individuals, not otherwise eligible for enlistment, whose enlistment is vital to the national interest.

The Senate bill contained no similar provision.

The House recedes.

*Protection of Second Amendment rights of military families*

The House amendment contained a provision (sec. 598) that would amend section 921(b) of title 18, United States Code, to provide that the residence of the spouse of a military member for the purpose of federal firearms laws, is the State of the permanent duty station of the member.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the residence of a spouse of a military member is the State in which that spouse resides, which is the State of the permanent duty station of the member, or such other State as the spouse may reside.

*Pilot program on advanced technology for alcohol abuse prevention*

The House amendment contained a provision (sec. 599) that would require the Secretary of Defense, within 90 days of enactment of this Act, to consult with the service secretaries and establish a pilot program to demonstrate the feasibility of using portable, disposable alcohol breathalyzers and a cloud-based server platform to collect data and monitor the progress of alcohol abuse programs through digital applications. The provision would require the Secretary to conduct the pilot program for a minimum of 6 months, and the program would terminate by September 30, 2018. The Secretary would submit a report to the Committees on Armed Services of the Senate and the House of Representatives on implementation of the program within 120 days after implementation and then submit a final report to the committees within 1 year of implementation.

The Senate bill contained no similar provision.

The House recedes.

*Report on availability of college credit for skills acquired during military service*

The House amendment contained a provision (sec. 599A) that would require the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, to submit a report on the transfer of skills into equivalent college credits or technical certifications for members of the Armed Forces leaving the military.

The Senate bill contained no similar provision.

The House recedes.

*Atomic veterans service medal*

The House amendment contained a provision (sec. 599B) that would require the Secretary of Defense to design, produce, and distribute a military service medal to honor retired and former members of the Armed Forces who are radiation-exposed veterans.

The Senate bill contained no similar provision.

The House recedes.

*Report on extending protections for student loans for active duty borrowers*

The House amendment contained a provision (sec. 599C) that would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report detailing the information, assistance, and efforts to support and inform active duty members of the Armed Forces with respect to the rights and resources available under the Servicemembers Civil Relief Act.

The Senate bill contained no similar provision.

The House recedes.

*Exclusion of certain reimbursements of medical expenses and other payments from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans*

The House amendment contained a provision (sec. 599D) that would amend section 1503(a) of title 38, United States Code, to exclude payments regarding reimbursements of medical expenses from the determination of annual income with respect to pensions.

The Senate bill contained no similar provision.

The House recedes.

*Sense of Congress on desirability of service-wide adoption of Gold Star installation access card*

The House amendment contained a provision (sec. 599E) that would express the sense of Congress that the secretaries of the military departments and the Secretary of the department in which the Coast Guard is operating should work jointly to develop, issue, and ensure acceptance of a Gold Star installation access card for family members who are the survivors of deceased members of the Armed Forces in order to expedite the ability of a Gold Star family member to gain unescorted access to military installations for the purpose of obtaining on-base services and benefits for which the Gold Star family member is entitled or eligible.

The Senate bill contained no similar provision.

The House recesses.

*Servicemembers' Group Life Insurance*

The House amendment contained a provision (sec. 599F) that would amend section 1967(f)(4) of title 38, United States Code, by striking the second sentence.

The Senate bill contained no similar provision.

The House recesses.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

*Fiscal year 2017 increase in military basic pay (sec. 601)*

The Senate bill contained a provision (sec. 601) that would authorize a pay raise of 1.6 percent for all members of the uniformed services effective January 1, 2017.

The House amendment contained a provision (sec. 601) that would direct that the rates of basic pay under section 203(a) of title 37, United States Code, be increased in accordance with section 1009 of title 37, United States Code, notwithstanding a determination made by the President under subsection (e) of such section 1009.

The Senate recesses.

*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. 602)*

The Senate bill contained a provision (sec. 602) that would direct the Department of Defense to ensure that pay tables of basic pay for members of the uniformed services published by the Department reflect the operation of the pay cap contained in section 203(a)(2) of title 37, United States Code, to more accurately reflect the rates of basic pay that may actually be received by service members whose basic pay is affected by that cap.

The House amendment contained no similar provision.

The House recesses.

*Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 603)*

The Senate bill contained a provision (sec. 603) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The House amendment contained an identical provision (sec. 602).

The conference agreement includes this provision.

*Reports on a new single-salary pay system for members of the Armed Forces (sec. 604)*

The Senate bill contained a provision (sec. 604) that would reform the basic allowance for housing (BAH) benefit for members of the

uniformed services, applicable January 1, 2018. The provision would require a system that utilizes actual costs up to a maximum allowable amount. No service member will see a change in their allowance until such time as they undergo a permanent change of duty station outside their military housing area after January 1, 2018.

The House amendment contained no similar provision.

The Senate recesses with an amendment that would require the Department of Defense to report back with revised pay tables and a plan to transition to a salary system by no later than January 1, 2018. An initial assessment and progress report will be due to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2017, to contain the military pay tables as of January 1, 2017, that reflect the Regular Military Compensation of members of the Armed Forces as of that date in the range of grades, dependency statuses, and assignment locations.

The conferees note that the BAH, as an entitlement, and the perception of BAH among servicemembers, has evolved over the past 20 years. BAH, and the iterations of the benefit that came before, was intended to provide a housing benefit for service members to offset the cost of housing in high cost housing areas where adequate government-provided quarters was not available and in recognition of the transient nature of military service and the impact it has on military members and their families. Indeed, that the housing allowance was and is intended as primarily a housing benefit is demonstrated by its tax-free nature, the differentiation based on dependency status, and the fact that junior enlisted personnel required to reside in barracks or on a ship are ineligible to receive BAH. Accordingly, the conferees direct the Secretary of Defense to begin planning for a transition to a salary system that better aligns the payment of the allowance with the Department's use of the housing allowance as compensation rather than its intended purpose as an allowance.

Subtitle B—Bonuses and Special and Incentive Pays

*One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The Senate bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, travel expenses for certain inactive-duty training, and income replacement for reserve component members experiencing extended and frequent mobilization for Active-Duty service.

The House amendment contained an identical provision (sec. 611).

The conference agreement includes this provision.

*One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The Senate bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in

critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The House amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

*One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The Senate bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The House amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

*One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)*

The Senate bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions, and contracting bonus for cadets and midshipmen enrolled in the Senior Officers' Training Corps. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The House amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

*One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)*

The Senate bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, precommissioning incentive pay for foreign language proficiency, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between Armed Forces, and the accession bonus for officer candidates.

The House amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

*Aviation incentive pay and bonus matters (sec. 616)*

The House amendment contained a provision (sec. 616) that would amend section 334(c)(1) of title 37, United States Code, to increase the statutory limits for the aviation incentive pay and retention bonus to \$1,000 per month and \$60,000 per year, respectively, and would allow the Secretary concerned the flexibility to increase the aviation incentive pay limit set forth in regulations issued by the Secretary of Defense under section 374 of title 37, United States Code.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would authorize a maximum aviation bonus of \$35,000 for each 12-month period of

obligated service, and requires the appropriate Service Secretary to submit a justification with each fiscal year's budget request for the aviation bonus amounts by aircraft type category, the business case supporting the amount requested, and a description by the Secretary concerned on how they will address manning shortfalls by non-monetary means.

The conferees note the current Chief of Staff of the Air Force stated in response to advance policy questions in preparation for his confirmation hearing, "We will tailor any potential bonus based upon specific platform and overall Air Force requirements. The requested increase is not a set amount. If approved, this will give us the flexibility to tailor bonus amounts and contract terms by platform." The conferees strongly agree with targeting aviation bonuses toward the most critical manning shortfalls by aircraft type category as a way to incentivize retention behavior, and strongly support this method for use across the Department of Defense.

The conferees also expect the Services to continue developing and implementing policies to tackle non-monetary reasons for low aviator retention rates, and to use these incentive and bonus authorities to incentivize needed retention levels using a business case rather than as a reward or entitlement, to correct both the undermanning of certain aircraft type categories and the overmanning of others.

*Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities (sec. 617)*

The Senate bill contained a provision (sec. 616) that would amend section 332 of title 10, United States Code, to correct an inequity that will exist when the Department transitions to a general bonus authority on October 1, 2017. This amendment will increase the maximum bonus authority under the new general bonus authority to \$20,000 to match the maximum bonus level under the old authority. Maintaining the current bonus level will enable the Services to retain the ability to recruit and retain reserve component officers.

The House amendment contained an identical provision (sec. 617).

The conference agreement includes this provision.

*Technical amendments relating to 2008 consolidation of certain special pay authorities (sec. 618)*

The House amendment contained a provision (sec. 618) that would make technical and clerical corrections to titles 10, 20, 24, 36, 37, and 42, United States Code, as well as section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), section 362 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), and section 112(c)(5)(B) of the Internal Revenue Code of 1986, as part of the Department of Defense's transition to the consolidated authorities in sections 661 and 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), which consolidated statutory special and incentive pay authorities for members of the uniformed services. This section is consistent with the purpose and intent of the consolidated special and incentive pay reform contained in the 2008 defense bill.

The Senate bill contained no similar provision.

The Senate recedes.

#### Subtitle C—Travel and Transportation Allowances

*Maximum reimbursement amount for travel expenses of members of the Reserves attending inactive duty training outside of normal commuting distances (sec. 621)*

The House amendment contained a provision (sec. 641) that would amend section 478a(c) of title 37, United States Code, to allow for a higher reimbursement amount on a case-by-case basis for certain members of the Reserve component traveling to attend inactive duty training outside of normal commuting distances.

The Senate bill contained a similar provision (sec. 621).

The Senate recedes.

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

##### Part I—Amendments in Connection with Retired Pay Reform

*Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system (sec. 631)*

The Senate bill contained a provision (sec. 631) that would amend section 1409 of title 10, United States Code, to clarify the timing for cadets and midshipmen at the service academies to opt-in to the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). The provision would also clarify the timing of such elections for reservists who are on Inactive Duty during the election period otherwise provided for under the new retirement system.

The House amendment contained no similar provision.

The House recedes.

*Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan (sec. 632)*

The Senate bill contained a provision (sec. 632) that would repeal paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). This amendment makes a technical correction for the new military retirement plan enacted in that Act relative to defining separation from service under the Thrift Savings Plan.

The House amendment contained a similar provision (sec. 621).

The House recedes.

*Continuation pay for full Thrift Savings Plan members who have completed 8 to 12 years of service (sec. 633)*

The House amendment contained a provision (sec. 622) that would amend section 356 of title 37, United States Code, to modify the continuation pay for members under the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to provide the Secretary of Defense with the flexibility to offer continuation pay in the window between 8 and 12 years of service in exchange for a 3 years of service or greater commitment as the Secretary deems appropriate for retention.

The Senate bill contained a similar provision (sec. 633).

The Senate recedes with a technical amendment.

*Combat-related special compensation coordinating amendment (sec. 634)*

The House amendment contained a provision (sec. 619) that would amend section 1413a of title 10, United States Code, to make a technical and conforming amendment to Combat-Related Special Compensation, to bring that authority in line with the new military retirement system enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained a similar provision (sec. 634).

The House recedes.

##### Part II—Other Matters

*Use of member's current pay grade and years of service and retired pay cost-of-living adjustments, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay (sec. 641)*

The Senate bill contained a provision (sec. 642) that would amend section 1408 of title 10, United States Code, to modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce rather than at the time of retirement with the spousal share of the retired pay computed on the retired pay as adjusted by the annual increases in military pay.

The House amendment contained a similar provision (sec. 625) that would amend section 1408 of title 10, United States Code, to modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce.

The House recedes with an amendment that would modify the division of military retired pay in a divorce decree to the amount the member would be entitled based upon the member's pay grade and years of service at the time of the divorce as adjusted by the annual retired pay cost-of-living adjustments between the date of the divorce decree and the date of retirement. The conferees note that this provision is prospective only and would not affect existing divorce settlements.

*Equal benefits under Survivor Benefit Plan for survivors of reserve component members who die in the line of duty during inactive-duty training (sec. 642)*

The House amendment contained a provision (sec. 624) that would amend section 1451(c)(1)(A) of title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the reserve component who die from an injury or illness incurred or aggravated in the line of duty during inactive-duty training, as compared to the treatment of members of the Armed Forces who die in the line of duty while on Active Duty.

The Senate bill contained no similar provision.

The Senate recedes.

*Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient (sec. 643)*

The Senate bill contained a provision (sec. 644) that would amend section 1452 of title 10, United States Code, to authorize the deduction of Survivor Benefit Plan (SBP) premiums from monthly combat related special compensation (CRSC) when retired pay is insufficient to cover the premiums.

The House amendment contained no similar provision.

The House recedes.

*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. 644)*

The Senate bill contained a provision (sec. 641) that would amend section 437 of title 37, United States Code, to expand the areas eligible for the allowance for covering monthly premiums for the Servicemembers' Group Life Insurance to include any designated combat zone or an area directly supporting a designated combat zone.

The House amendment contained no similar provision.

The House recedes.

*Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney (sec. 645)*

The Senate bill contained a provision (sec. 672) that would amend section 602 of title 37, United States Code, to authorize payment of certain pay and allowances of a servicemember or retired servicemember to an individual to whom the member has granted authority to manage these funds pursuant to a valid and legally executed durable power of attorney. This proposal would enable members to responsibly and proactively plan their personal affairs in the event of their incapacitation, and to allow those durable powers of attorney to be recognized by the military departments and the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

*Extension of authority to pay special survivor indemnity allowance under Survivor Benefit Plan (sec. 646)*

The Senate bill contained a provision (sec. 643) that would amend section 1450 of title 10, United States Code, to permanently extend the authority to pay the Special Survivor Indemnity Allowance (SSIA).

The House amendment contained a provision (sec. 623) that would extend the authority to pay the SSIA for one year.

The Senate recedes with an amendment that would extend the authority to pay the SSIA until May 31, 2018.

*Repeal of obsolete authority for combat-related injury rehabilitation pay (sec. 647)*

The Senate bill contained a provision (sec. 605) that would repeal section 328 of title 10, United States Code, relating to an obsolete authority for combat-related injury rehabilitation pay.

The House amendment contained no similar provision.

The House recedes.

*Independent assessment of the Survivor Benefit Plan (sec. 648)*

The Senate bill contained a provision (sec. 646) that would require the Secretary of Defense to provide for an independent assessment of the Department of Defense Survivor Benefit Plan (SBP) by a federally-funded research and development center (FFRDC).

The House amendment contained no similar provision.

The House recedes.

*Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations*

*Protection and enhancement of access to and savings at commissaries and exchanges (sec. 661)*

The Senate bill contained a provision (sec. 661) that would amend sections 2481, 2483, 2484, and 2487 of title 10, United States Code, to require the Secretary of Defense to develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduces their reliance on appropriated funding without reducing benefits to commissary patrons or revenues generated by non-appropriated fund entities. This provision would authorize the Secretary to carry out an alternative pricing program, evaluated against specific, measurable benchmarks and a documented baseline level of savings, within the defense commissary system to establish prices for goods and services in response to market conditions and customer demand. Furthermore, the provision would authorize the Secretary

to convert the commissary system to a non-appropriated fund entity or instrumentality if the Secretary determines that the alternative pricing program met established benchmarks for success for a period of at least 6 months. If conversion to a non-appropriated fund entity or instrumentality occurs, the Secretary would ensure that no employee of the defense commissary system, as of the date of enactment of this Act, would incur a loss or decrease in pay resulting from the conversion. This provision would also authorize the Secretary of Defense to establish common business processes, practices, and systems to optimize the operations of the entire defense resale system, including authorizing the use of appropriated and non-appropriated funds on contracts or agreements for the acquisition of common systems. Finally, the provision would authorize the Secretary to supplement appropriated funds for defense commissary system operations with additional funds derived from improved management practices and the alternative pricing program.

The House amendment contained a provision (sec. 631) that would amend sections 2481(a) and (c), 2483(c), 2484, 2485, and 2487 of title 10, United States Code, to authorize the Secretary of Defense to develop and implement a comprehensive strategy to: 1) optimize practices across the commissary and exchange systems to reduce the reliance of those systems on appropriated funds without reducing benefits to patrons or any revenues generated by non-appropriated fund entities or instrumentalities of the Department for the morale, welfare, and recreation of servicemembers; 2) authorize use of additional funds derived from improved management practices to supplement appropriated funds for commissary operations; 3) authorize a variable pricing program whereby commissary prices may be established in response to market conditions and customer demand; 4) authorize conversion of the commissary system to a non-appropriated fund entity or instrumentality if the Secretary determines that the variable pricing program meets established benchmarks for success for a period of at least 6 months; and 5) authorize the Secretary to contract with an entity to obtain expert commercial advice, assistance, or other services not otherwise carried out by the Defense Commissary Agency.

The Senate recedes.

The conferees believe this provision will significantly improve the business operations of the commissary system and lead to greater efficiency in the delivery of high quality grocery products and services to commissary patrons without diminishing the current level of patron savings. The conferees remain concerned, however, that the current senior management of the Defense Commissary Agency may lack the necessary talent and skills to transform the commissary system into an efficient, high-performing purveyor of grocery products and services. The conferees strongly urge the Department to engage experts in the commercial grocery industry to assist the Defense Commissary Agency in the transformation of the commissary system into a high-performing grocery operation.

*Acceptance of Military Star Card at commissaries (sec. 662)*

The House amendment contained a provision (sec. 632) that would require the Secretary of Defense to ensure that commissary stores accept the Military Star Card as payment for goods and services. Under this provision, the Army and Air Force Exchange Service would assume any financial liability of the United States relating to acceptance of the Military Star Card as payment for goods and services at commissary stores.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle F—Other Matters

*Recovery of amounts owed to the United States by members of the uniformed services (sec. 671)*

The House amendment contained a provision (sec. 642) that would amend section 1007(c)(3) of title 37, United States Code, to establish a 10-year statute of limitations on the authority of the government to collect an indebtedness to the government owed by a servicemember if the indebtedness occurred through no fault of the member. The statute of limitations established under this provision would apply to indebtedness incurred on or after October 1, 2027. The provision would require the Director of the Defense Finance and Accounting Service to provide an annual report, commencing on January 1, 2017 and each year through 2027, on cases in which recovery of indebtedness commenced after the end of the 10-year period beginning on the date when the indebtedness was incurred, or in which the member was not notified of the indebtedness during such 10-year period.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to conduct a review of all bonus pays, special pays, student loan repayments, and similar special payments paid to members of the California National Guard between January 1, 2004 and December 31, 2015. The review is required to be completed by July 30, 2017. The provision requires a board of review designated by the Secretary of Defense to determine whether the special pay to these members and former members was unwarranted and, if so, to recommend to the Secretary concerned whether to recoup the payment, waive the recoupment, or in the case of recoupments that were previously collected but were unwarranted by the evidence, to recommend whether the payments should be repaid to the member or former member. The provision would authorize the Secretary concerned to waive collection of overpayments or to repay previously recouped payments that were unwarranted. The provision would require the Secretary concerned to notify consumer credit reporting agencies if the review determines that an indebtedness previously reported to the credit reporting agency was invalid. The funding for activities associated with the review, including repayments to members and former members, shall be paid from amounts available for the National Guard of the United States for the State of California. The provision requires the Secretary of Defense to submit a report on the results of the review to the Committees on Armed Services of the Senate and of the House of Representatives not later than August 1, 2017. The provision also requires the Comptroller General of the United States to report, not later than one year after the date of enactment of this Act, on the actions of the National Guard of the State of California related to the bonus pays, special pays, student loan repayments, and other special pays from 2004 through 2015.

*Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments (sec. 672)*

The Senate bill contained a provision (sec. 1151) that would require the Secretary of Defense to take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on

long term temporary duty (TDY) assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Service Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the TDY assignment.

The House amendment contained a provision (sec. 603) that would prohibit the Secretary concerned from altering the per diem allowance for the duration of a temporary duty assignment of a member of the Armed Forces or an employee of the Department of Defense.

The House recedes with a clarifying amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Sense of the Congress on Roth contributions as default contributions of members of the Armed Forces participating in the Thrift Savings Plan under retired pay reform*

The Senate bill contained a provision (sec. 635) that would state the sense of the Congress that the Department of Defense should explore making the default contributions of a full Thrift Savings Plan member under the new military retirement plan enacted in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to be designated as Roth contributions until the member elects not to designate such contributions as Roth contributions.

The House amendment contained no similar provision.

The Senate recedes.

*Sense of the Congress on options for members of the Armed Forces to designate payment of the death gratuity to a trust for a special needs individual*

The Senate bill contained a provision (sec. 645) that would express the Sense of the Congress that the Department of Defense should explore options to allow servicemembers to designate that, upon their death, the death gratuity may be paid to a trust that is legally established under any federal, state, or territorial law.

The House amendment contained no similar provision.

The Senate recedes.

*Period for relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station*

The Senate bill contained a provision (sec. 622) that would add a new section 1784b of title 10, United States Code, to provide greater flexibility for families to determine the sequencing of permanent change of station moves under certain circumstances.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives no later than six months after the date of enactment of this Act on actions taken by the Department of Defense to enhance the stability of military families undergoing a permanent change of station (PCS). The report shall include an analysis of the current extent of family disruption associated with PCS moves of members of the Armed Forces, a description of the actions taken by the Department of Defense to minimize such disruptions, and further actions recommended by the Secretary of Defense to alleviate family disruption associated with a PCS move.

#### TITLE VII—HEALTH CARE PROVISIONS

##### Subtitle A—Reform of Tricare and Military Health System

##### *TRICARE Select and other TRICARE Reform (sec. 701)*

The Senate bill contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to reform health care plans available under the TRICARE program. The provision would establish three health plan choices for families of Active-Duty servicemembers, and retired military members and their families: 1) TRICARE Prime, a managed care option; 2) TRICARE Choice, a self-managed option; and 3) TRICARE Supplemental, an option for retired members and their families, other than TRICARE-For-Life beneficiaries, who have other health insurance. Beneficiaries would be required to enroll in one of the TRICARE options during an annual open enrollment period in order to obtain care through the TRICARE Program.

Under this provision, the Department would offer TRICARE Prime in areas near military treatment facilities (MTFs). Active-Duty family members would be authorized to enroll in TRICARE Prime, and there would be no cost shares. Retirees and their family members would be authorized to enroll in TRICARE Prime in areas where an MTF has a significant number of health care providers, including specialty providers, and sufficient capability to support efficient operations of the MTF. A TRICARE Prime enrollee would be required to obtain a referral for care from a designated primary care manager prior to obtaining care under the TRICARE program. A referral to network providers for specialty care services would not require a beneficiary to obtain a pre-authorization. The provision would require the Secretary to ensure that beneficiaries have the same level of access to care within timelines that meet or exceed those of high-performing health systems in the private sector. The provision would establish TRICARE Choice in other locations in the country, and beneficiaries may receive care from any health care provider selected by the member subject to any restrictions established by the Secretary.

This provision would include a cost-share table for calendar year 2018 for both TRICARE Prime and TRICARE Choice that would establish rates for annual enrollment fees, annual deductibles, annual catastrophic caps, and co-payments for inpatient visits, outpatient visits, and other services. The provision would gradually increase the annual enrollment fee for military retirees and their families under TRICARE Choice over a period of 5 years through 2023. Subsequently, annual enrollment fees for military retirees and their families in TRICARE Choice after 2023, and for military retirees and their families under TRICARE Prime after 2018, would increase by the annual percent of the Consumer Price Index for Health Care Services, published by the Bureau of Labor Statistics. Additionally, the provision would increase the deductible, co-payment, and annual catastrophic cap amounts after 2018, by the annual cost of living adjustment for military retired pay. The provision would authorize the Secretary to adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and to discourage the use of low-value services and products.

Under this provision, retirees and their family members with other health insurance would be authorized to enroll in the TRICARE Supplemental option. The provision would establish an annual enrollment fee that would be one-half of the fee for the TRICARE Choice option. Under TRICARE

Supplemental, TRICARE would pay the deductible and co-payment amounts under the beneficiary's primary health plan, not to exceed the amount TRICARE would have paid as primary payer to an out-of-network provider.

A number of existing TRICARE programs would remain unchanged under this provision: 1) Extended Health Care Option Program; 2) TRICARE Reserve Select; 3) TRICARE Retired Reserve; 4) TRICARE Dental Program; and 5) the Continued Health Care Benefits Program. This provision would not affect the required cost-shares under the TRICARE Pharmacy Benefits Program, but the annual enrollment fee, annual deductible, and annual catastrophic cap established in this section would apply to the pharmacy program. With this provision, the cost-share requirements for remote area dependents would be the same as those established under the TRICARE Prime Option but without a referral requirement.

The House amendment contained a provision (sec. 701) that would amend chapter 55 of title 10, United States Code, to establish TRICARE Preferred as the self-managed, preferred provider option in the TRICARE program, replacing TRICARE Standard and Extra. The provision would establish annual enrollment fees and fixed dollar co-payments for Active-Duty family members and retirees who join the Armed Services on or after January 1, 2018, and enroll in TRICARE Preferred or TRICARE Prime, the managed care option. In addition, the provision would authorize an annual enrollment fee for TRICARE Preferred for beneficiaries who were in either the Active-Duty or retired beneficiary categories prior to January 1, 2018. However, the provision would prohibit the Secretary from establishing this annual enrollment fee until 90 days after the Comptroller General of the United States submits a report, not later than February 1, 2020, to the Committees on Armed Services of the Senate and the House of Representatives on access to care, network adequacy, and beneficiary satisfaction under TRICARE Preferred. The provision would also require the Comptroller General, not later than September 1, 2017, to submit to the committees a report on the assessment of network adequacy and beneficiaries' access to care under the TRICARE health care provider network. Finally, the provision would require the Secretary to submit an implementation plan, not later than June 1, 2017, to the committees to improve access for TRICARE beneficiaries. The Comptroller General would be required to submit to the committees, not later than December 1, 2017, a review of the implementation plan submitted by the Secretary.

The Senate recedes with an amendment that would: 1) rename the TRICARE Preferred health plan option to TRICARE Select; 2) modify the tables prescribing enrollment fees, deductibles, catastrophic caps, and co-payments for beneficiaries in the retired category who join the military on or after January 1, 2018, and to establish a calendar year enrollment period for those fees; 3) require the Secretary to establish an open enrollment period, with a grace period during the first year of open enrollment, and to allow enrollment for qualifying events for annual participation in either TRICARE Prime or TRICARE Select; 4) prescribe certain requirements for pre-authorization for referrals under TRICARE Prime; and 5) require a pilot program on incorporation of value-based health care methodology in the purchased care component of the TRICARE program.

*Reform of administration of the Defense Health Agency and military medical treatment facilities (sec. 702)*

The Senate bill contained a provision (sec. 721) that would require the Secretary of Defense to disestablish the medical departments of the Armed Forces and consolidate all activities of those departments into the Defense Health Agency. The Secretary could not undertake this action until 60 days after submission of the Department's consolidation plan to the Committees on Armed Services of the Senate and the House of Representatives. The provision would also require the Comptroller General of the United States to review the consolidation plan and submit that review to the Committees on Armed Services of the Senate and the House of Representatives within 180 days after the Secretary submits the plan to the committees. Under this provision, the Defense Health Agency would be led by an officer of the Armed Forces holding the grade of lieutenant general or vice admiral and be responsible for the medical operations of the Department of Defense. The resultant Defense Health Agency would consist of four subordinate organizations: 1) an organization responsible for all military medical treatment facilities (MTFs); 2) an organization responsible for medical professional recruitment and retention activities, medical education and training, research and development activities, and executive agencies for medical operations or activities; 3) an organization responsible for activities and duties of the current Defense Health Agency; and 4) an organization responsible for activities and duties to improve and maintain operational medical force readiness capabilities and to ensure sustainment of combat casualty care and trauma readiness of military health care providers. A major general or rear admiral upper half would serve as head of each subordinate organization. The provision would give broad authorities to the Director of the Defense Health Agency, under the supervision and control of the Assistant Secretary of Defense for Health Affairs, to conduct the medical operations functions of the Department. In addition, the provision would amend sections 3036, 5137, and 8036 of title 10, United States Code, to establish the duties and responsibilities of the Surgeons General of the Services as principal adviser to the service secretary and service chief as well as chief medical adviser of that service to the Defense Health Agency. Finally, the provision would require the Secretary of Defense to submit a report on consolidation, by January 1, 2017, to the Committees on Armed Services of the Senate and the House of Representatives.

The House amendment contained a provision (sec. 702) that would amend chapter 55 of title 10, United States Code, to require the Defense Health Agency to become responsible for management of MTFs throughout the Department of Defense, while preserving the responsibility of MTF commanders for ensuring the readiness of members of the Armed Forces and civilian employees at MTFs and for providing health care services at MTFs. In carrying out this provision, the Defense Health Agency would establish an executive-level management office consisting of professional health care administrators to manage health care operations, finance and budget, information technology, and medical affairs across all MTFs. This provision would direct the Secretary of Defense to submit an interim report to the congressional defense committees by March 1, 2017, on the preliminary plan to implement these changes, and a final report by March 1, 2018. Finally, this provision would require the Comptroller General of the United States

to review each of the Department's plans and to submit an assessment of those plans to the congressional defense committees by September 1, 2017, and September 1, 2018, respectively.

The Senate recedes with an amendment that would require the Director of the Defense Health Agency, beginning October 1, 2018, to take responsibility for the administration of each MTF, including all matters with respect to: 1) budget; 2) information technology; 3) health care administration and management; 4) administrative policy and procedure; 5) military medical construction and 6) any other matters the Secretary determines appropriate. The amendment would require the establishment of a professional staff within the Defense Health Agency to provide policy, oversight, and direction of all matters related to the administration of MTFs. In addition, the amendment would codify the roles and responsibilities of the Services' Surgeons General. The amendment would require the Secretary to develop an implementation plan and to submit: 1) an interim report providing a preliminary draft of the plan to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017; and 2) a final report to the committees by March 1, 2018, containing a final version of the plan. Finally, the amendment would require the Comptroller General of the United States to submit to the committees a review of the Department's preliminary draft of the plan by September 1, 2017, and a review of the final version of the plan by September 1, 2018.

After careful study and deliberation, the conferees conclude that a single agency responsible for the administration of all MTFs would best improve and sustain operational medical force readiness and the medical readiness of the Armed Forces, improve beneficiaries' access to care and the experience of care, improve health outcomes, and lower the total management cost of the military health system. The conferees believe that the current organizational structure of the military health system—essentially three separate health systems each managed by one of the three Services—paralyzes rapid decision-making and stifles innovation in producing a modern health care delivery system that would better serve all beneficiaries. A streamlined military health system management structure would eliminate redundancy and generate greater efficiency, yielding monetary savings to the Department while leading to true reform of the military health system and improving the experience of care for beneficiaries.

*Military medical treatment facilities (sec. 703)*

The Senate bill contained a provision (sec. 725) that would authorize the secretary of a military department to realign the infrastructure of or modify the health care services provided by a military treatment facility (MTF) if a realignment or modification would better: 1) ensure the delivery of safe, high quality health care services; 2) adapt the delivery of health care in a facility to rapid changes in private sector health care delivery models; or 3) maintain the medical force readiness skills and core competencies of health care providers in a facility. Before taking any action under this provision, the Secretary of Defense would be required to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on proposed realignments of infrastructure or modifications of health care services at MTFs. Within 60 days after the Secretary submits a report under this provision, the Comptroller General of the United States would submit a review of such report to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate bill also contained a provision (sec. 729) that would require the Secretary of Defense to establish regional centers of excellence for the provision of specialty care to covered beneficiaries at major medical centers of the Department of Defense. The provision would authorize the Secretary to establish satellite centers, when and where appropriate, particularly to provide specialty care for post-traumatic stress and traumatic brain injury. Furthermore, the provision would specify the types of centers of excellence that the Secretary could establish while allowing for the establishment of additional centers when appropriate. The centers of excellence established under this provision would serve as the primary sources for specialty care within the direct care health system, and health care providers throughout the system would refer beneficiaries to those facilities. The provision would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of the date of enactment of this Act, which provides a plan to establish specialty care centers of excellence in the military health system.

The House amendment contained a provision (sec. 703) that would amend chapter 55 of title 10, United States Code, to establish the requirements for the types of MTFs needed to support the medical readiness of the Armed Forces and the readiness of medical personnel. The provision would require the Secretary of Defense, in collaboration with the secretaries of the military departments, to submit an updated Military Health System Modernization Study report to the congressional defense committees within 270 days after the date of enactment of this Act. In addition, the provision would require the Secretary to submit, within 2 years after the date of enactment of this Act, an implementation plan to restructure or realign the MTFs in accordance with section 1079d of title 10, United States Code.

The Senate recedes with an amendment that would combine these provisions.

*Access to urgent and primary care under TRICARE program (sec. 704)*

The House amendment contained a provision (sec. 704) that would amend chapter 55 of title 10, United States Code, to require the Secretary of Defense, within 1 year of the date of enactment of this Act, to improve access to urgent care services in both military medical treatment facilities (MTFs) and the private sector. The provision would ensure that covered beneficiaries have access to urgent care services through the health care provider network under the TRICARE program, without the need for preauthorization, in areas where no MTFs exist for those services. Finally, this provision would require the Secretary of Defense to ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to health care services to the most appropriate level of care required to treat medical conditions of beneficiaries, including urgent care services.

The House amendment also contained a provision (sec. 705) that would amend section 1077a of title 10, United States Code, to require the Secretary of Defense, within 180 days of the date of enactment of this Act, to ensure the availability of primary care services for members of the Armed Forces and covered beneficiaries during expanded business hours on weekdays and weekends, based on the needs of the MTF to meet access standards under the TRICARE Prime program and the primary care utilization patterns at the MTF.

The Senate bill contained no similar provisions.

The Senate recedes with an amendment that would combine these provisions.

*Value-based purchasing and acquisition of managed care support contracts for TRICARE program (sec. 705)*

The Senate bill contained a provision (sec. 726) that would require the Secretary of Defense to conduct a new competition of all medical support contracts, except the overseas medical support contract, with private sector entities under the TRICARE program by January 1, 2018, upon expiration of each such contract. New contracts would be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before contract termination. The Department would award contracts with a combination of local, regional and national private sector entities to develop individual and institutional networks of high-performing health care providers. The Secretary could not exercise an option to extend an existing medical support contract with a private sector entity that would delay the award of a new contract. Within 1 year of the award of new medical support contracts, the Secretary would be required to issue an open broad agency announcement to allow potential contractors to propose innovative ideas and solutions to meet the medical support contract needs of the Department. A medical support contract awarded through the open broad agency announcement would be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to use of competitive procedures to procure services. For new medical support contracts, the Department would be required to include, to the extent practicable: 1) maximum flexibility in network design and development; 2) integrated medical management between military medical treatment facilities and network providers; 3) maximum use of the full range of telehealth services; 4) use of value-based reimbursement methods that transfer financial risk to health care providers and medical support contractors; 5) use of prevention and wellness incentives to encourage beneficiaries to seek health care services from high-value providers; 6) a streamlined enrollment process and timely assignment of primary care managers; 7) elimination of the requirement to seek authorization of referrals for specialty care services; 8) the use of incentives to encourage certain beneficiaries to engage in medical and lifestyle intervention programs; and 9) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvement in health outcomes and the experience of care for beneficiaries. In establishing new medical support contracts, the provision would require the Secretary to: 1) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska, Hawaii, and locations in the contiguous 48 states; 2) consider the various challenges inherent in developing robust provider networks in those locations; and 3) develop a provider reimbursement rate structure in those locations that ensures timely access to care, high quality primary and specialty care, and improvement in health outcomes. Additionally, the Secretary could not modify existing medical support contracts or enter into new contracts in rural, remote, or isolated locations until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that those contracts would ensure timely access to care, high quality care, better health outcomes, and a better experience of care. The provision would also require the

Comptroller General of the United States to submit a report, by January 1, 2019, that assesses the compliance of the Secretary with the requirements of this section.

The Senate bill contained another provision (sec. 727) that would authorize the Secretary of Defense to enter into contracts to provide health care, including behavioral health care, to covered beneficiaries under the TRICARE program with any of the following: 1) the Department of Veterans Affairs; 2) an Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service; and 3) an Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

The House amendment contained a provision (sec. 706) that would authorize the Secretary of Defense to develop and implement value-based incentive programs as part of TRICARE contracts to encourage health care providers under the TRICARE program to improve the quality of care and the experience of care for covered beneficiaries. The provision would require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives on the implementation plan not later than 60 days before the Secretary modifies a TRICARE contract to implement a value-based incentive program. Furthermore, the provision would require the Secretary to brief the committees, and any other appropriate congressional committees, within 1 year after implementation and annually through 2022, on the quality performance metrics and expenditures related to the incentive program.

The House recedes with an amendment that would require the Secretary of Defense to develop and implement value-based incentive programs as part of any contract awarded under chapter 55 of title 10, United States Code, for the provision of health care services to covered beneficiaries. The amendment would transfer contracting responsibility for the acquisition of managed care support contracts under the TRICARE program, initiated after the date of enactment of this Act, from the Defense Health Agency to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The amendment would require the Secretary to develop and implement, by January 1, 2018, a new acquisition strategy for managed care support contracts under the TRICARE program and to modify contracts existing prior to implementation of this strategy to ensure consistency with the strategy.

The conferees remain concerned about the current acquisition strategy for managed care support contracts under the TRICARE program. The Department's current contract strategy results in routine bid protests, implementation delays, high management costs, and costly contract extensions. Under those contracts, the Department remains solely at risk for the cost of all healthcare services provided, and the adherence to fee-for-service provider reimbursement fails to encourage individual and institutional network providers to provide higher quality care, better access to care, and higher patient satisfaction at lower costs to the Department. As a result, the conferees believe it is necessary to transfer contracting responsibility for the acquisition of managed care support contracts under the TRICARE program to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

*Establishment of high performance military-civilian integrated health delivery systems (sec. 706)*

The Senate bill contained a provision (sec. 736) that would require the Secretary of De-

fense, by January 1, 2018, to establish high performance military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector, and the Veterans Health Administration. The Department of Defense would accomplish these partnerships either through memoranda of understanding or contracts between military treatment facilities and private sector health systems, such as health maintenance organizations, regional health organizations, integrated health systems, and health care centers of excellence, or the Veterans Health Administration. Under this provision, covered beneficiaries would be eligible to enroll in and receive medical services in the private sector component of established military-civilian integrated health networks. The Secretary of Defense would be required to incorporate value-based reimbursement methodologies into any memoranda of understanding or contracts to reimburse private sector entities for medical services provided to covered beneficiaries.

The House amendment contained a provision (sec. 707) that would amend section 1096 of title 10, United States Code, to authorize the Secretary of Defense to enter into partnership agreements between military treatment facilities and local or regional health care systems to deliver health care to beneficiaries in a more effective, efficient, or economical manner and provide members of the Armed Forces with additional training opportunities to maintain operational medical force readiness.

The House recedes with a clarifying amendment.

*Joint Trauma System (sec. 707)*

The House amendment contained a provision (sec. 708) that would require the Secretary of Defense to submit an implementation plan, within 180 days of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives to establish a Joint Trauma System within the Defense Health Agency that promotes improved trauma care to members of the Armed Forces and other individuals eligible for trauma care at a military medical treatment facility (MTF). The Secretary would not implement this plan until a 90-day period has elapsed following the date that the Comptroller General of the United States provides a review of the plan to the committees. The Comptroller General would have 120 days to review the plan. Under this provision, the Joint Trauma System would: 1) serve as the reference body for all trauma care provided across the military health system; 2) establish standards of care for trauma services provided at MTFs; 3) coordinate the translation of research from centers of excellence of the Department into clinical trauma care standards; and 4) coordinate the incorporation of lessons learned from military-civilian trauma education and training partnerships into clinical practice. The provision would also authorize the Secretary to seek to enter into an agreement with a nongovernmental entity to conduct a system-wide review of the military trauma system.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Joint Trauma Education and Training Directorate (sec. 708)*

The Senate bill contained a provision (sec. 734) that would require the Secretary of Defense to implement measures to improve and maintain the combat casualty care and trauma care skills for health care providers of the Department of Defense by January 1,

2018. The provision would require the Secretary to: 1) conduct a comprehensive review of combat casualty care and wartime trauma systems from January 1, 2001, to the present time; 2) expand military-civilian trauma training sites to provide enhanced training for integrated combat trauma teams; 3) establish a personnel management plan for important wartime medical specialties; 4) develop standardized tactical combat casualty care instructions and training for all servicemembers; 5) develop a comprehensive trauma care registry; 6) develop quality of care outcome measures for combat casualty care; and 7) conduct research to understand better the causes of morbidity and mortality of servicemembers in combat.

The House amendment contained a provision (Sec. 709) that would require the Secretary of Defense to establish a Joint Trauma Education and Training Directorate to ensure military traumatologists maintain readiness skills and can be rapidly deployed in future armed conflicts. Under this provision, the Secretary would establish enduring partnerships with civilian academic medical centers and large metropolitan teaching hospitals with level one trauma centers to embed combat casualty care teams, led by military traumatologists, within trauma centers of medical centers and hospitals. The provision would require the Secretary to conduct an analysis to determine the number of military traumatologists, by specialty, that the Department of Defense needs to meet combatant commander requirements. Finally, this provision would require the Secretary to submit an implementation plan to the Committees on Armed Services of the Senate and the House of Representatives by July 1, 2017.

The Senate recedes with an amendment that would combine these two provisions.

*Standardized system for scheduling medical appointments at military treatment facilities (sec. 709)*

The Senate bill contained a provision (sec. 732) that would require the Secretary of Defense to implement, by January 1, 2018, a standardized medical appointment scheduling system at military treatment facilities (MTFs) throughout the military health system. Under this provision, no MTF would have the authority to use an appointment scheduling system other than the standardized system. Each MTF would make available a centralized appointment system that allows beneficiaries to make appointments, either by telephone or by an internet-connected device, including by smartphone application, through an online scheduling system available 24 hours per day, 7 days per week. The online appointment system would be able to send automated email and text message reminders to patients.

The House amendment contained a provision (sec. 710) that would require the Secretary of Defense to ensure that military treatment facilities implement: 1) first call resolution for beneficiaries contacting the facility by telephone; 2) standardized appointment scheduling that includes capabilities to schedule follow-up appointments within a 6-month period or longer from the date of the appointment request and to remind beneficiaries of future appointments; 3) increased provider productivity standards to improve access to care and medical readiness requirements; and 4) maximum use of telehealth and secure messaging between beneficiaries and health care providers. This provision would require the Secretary to implement the requirements by February 1, 2017, and provide a briefing on implementation to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

The House recedes with an amendment that would require the Secretary of Defense to: 1) implement a standardized appointment system in the military health system by January 1, 2018, and provide to the Committees on Armed Services of the Senate and the House of Representatives, by January 1, 2017, a comprehensive plan to implement the system; 2) implement standards for productivity of health care providers at MTFs; and 3) submit a report to the committees, by March 1 of each year, on the total number of missed appointments at MTFs for which a covered beneficiary failed to appear without prior notification during the 1-year period preceding the submission of the report. Additionally, the provision would require the Secretary to brief the committees on implementation of the standardized appointment system and health care provider productivity standards by February 1, 2018.

*Subtitle B—Other Health Care Benefits*

*Extended TRICARE program coverage for certain members of the National Guard and dependents during certain disaster response duty (sec. 711)*

The House amendment contained a provision (sec. 722) that would amend chapter 55 of title 10, United States Code, to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Under this provision, a member would not receive extended TRICARE program coverage if a governor of a state or the mayor of the District of Columbia (DC) determines that such coverage is not in the best interest of the member, state, or DC. This provision would authorize the Secretary of Defense to charge a state or DC for the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that provides discretionary authority to extend TRICARE program coverage for certain members of the National Guard and dependents performing certain disaster response duty if the period immediately follows a period of full-time National Guard duty. Additionally, the amendment would require the Secretary of Defense to charge a state or DC for the costs of providing extended TRICARE program coverage to members of the National Guard and their dependents if such coverage is extended.

*Continuity of health care coverage for reserve components (sec. 712)*

The Senate bill contained a provision (sec. 707) that would authorize the Secretary of Defense to carry out a pilot program jointly with the Director of the Office of Personnel Management (Director), of at least 5 years duration, to provide commercial health insurance coverage to eligible reserve component members who enroll for either individual, self plus one, or self and family coverage. If the Secretary and the Director determine that a pilot program is feasible, the Director would contract with qualified health insurance carriers to provide eligible beneficiaries with a variety of high quality health benefits plans, which could vary by plan design, covered benefits, geography, and price. Reserve component members and their family members would not be eligible to enroll in a health plan in the pilot program if they are eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

Under the pilot program, the Secretary could contract with qualified health insur-

ance carriers to provide coverage for health care services provided at military treatment facilities to pilot program participants, and the Department would receive payment from those carriers for any services provided at those facilities. Family members of an eligible reserve component member could remain covered under the pilot program even when the reserve component member became ineligible for coverage while serving on Active Duty for a period greater than 30 days.

In addition, an eligible reserve component member would be responsible for payment of all cost sharing amounts applicable to the health benefits plan plus an annual premium amount equal to 28 percent of the total annual amount of the premium under the plan. During a period in which a reserve component member served on Active Duty for more than 30 days, the premium amount and cost shares would be zero for eligible family members.

In consultation with the Secretary of Homeland Security, the Secretary would provide recommendations and data to the Director on matters regarding military treatment facilities, matters unique to eligible reserve component members and their families, and any other guidance necessary to administer the pilot program. The Secretary and the Director would jointly establish a funding mechanism for the pilot program, and the Secretary would make funds available to the Director, without fiscal year limitation, for payment of health plan costs and administrative expenses.

The House amendment contained a provision (sec. 712) that would require the Secretary of Defense to study options for providing health care coverage to certain current and former members of the Selected Reserve and to submit a report of the findings and recommendations to the congressional defense committees within 180 days of the date of enactment of this Act.

The Senate recedes with an amendment that would combine these provisions. The resultant provision would require the Director to submit to the Secretary of Defense, on an annual basis during each year the pilot program may be conducted, information on the use of health care benefits under the pilot program. The provision would also require the Secretary to submit an initial and a final report on the pilot program to the Committees on Armed Services of the Senate and the House of Representatives. Finally, the provision would clarify the elements required in the study of options for providing health care coverage that improves the continuity of health care provided to certain current and former members of the Selected Reserve. *Provision of hearing aids to dependents of retired members (sec. 713)*

The House amendment contained a provision (sec. 721) that would amend section 1077 of title 10, United States Code, to authorize the Secretary of Defense to sell hearing aids to dependents of retired members of the uniformed services.

The Senate bill contained no similar provision.

The Senate recedes.

*Coverage of medically necessary food and vitamins for certain conditions under the TRICARE program (sec. 714)*

The Senate bill contained a provision (sec. 704) that would amend section 1077 of title 10, United States Code, to provide TRICARE program coverage for medically necessary food, including the equipment and supplies necessary to administer that food, and vitamins for digestive disorders and inherited metabolic disorders.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program (sec. 715)*

The Senate bill contained a provision (sec. 703) that would amend sections 8951 and 8981 of title 5, United States Code, to require the Secretary of Defense to enter into an agreement with the Director of the Office of Personnel Management to offer eligible beneficiaries the opportunity to purchase dental and vision insurance currently available to federal employees under the Federal Employees Dental and Vision Insurance Program.

The House amendment contained no similar provision.

The House recedes with an amendment that would make this provision effective on or after January 1, 2018.

*Applied behavior analysis (sec. 716)*

The Senate bill contained a provision (sec. 758) that would require the Secretary of Defense, on the date of enactment of this Act, to reinstate the reimbursement rates in effect on March 1, 2016, for the provision of applied behavior analysis therapy and to preserve those rates throughout the duration of the Comprehensive Autism Care Demonstration program conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 1092 note), as extended and modified by the Secretary.

The House amendment contained a provision (sec. 734) that would require the Secretary to ensure that the reimbursement rates for providers of applied behavior analysis are not less than the rates in effect on March 31, 2016. The provision would require the Assistant Secretary of Defense for Health Affairs, upon completion of the demonstration, to conduct an analysis of the program and to submit a report to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate recedes with an amendment that would require the analysis to include a determination of whether the use of applied behavioral analysis under the demonstration improved outcomes for beneficiaries with autism spectrum disorder.

*Evaluation and treatment of veterans and civilians at military treatment facilities (sec. 717)*

The Senate bill contained a provision (sec. 706) that would authorize a veteran or civilian to be evaluated and treated at a military treatment facility (MTF) if the Secretary of Defense determines that: 1) the evaluation and treatment of the individual is necessary to maintain the medical readiness skills and competencies of health care providers at the facility; 2) health care providers at the facility have the competencies, skills, and abilities to treat the individual; and 3) the facility has available space, equipment, and materials. The provision would authorize an MTF to bill and accept reimbursement for services provided to a civilian patient. Under this provision, the Secretary of Defense would be required to enter into a memorandum of understanding with the Secretary of Veterans Affairs whereby the Secretary of Veterans Affairs would reimburse an MTF for the costs of any health care services provided to individuals eligible for health care services from the Department of Veterans Affairs (VA).

The House amendment contained no similar provision.

The House recedes with an amendment that would: 1) prioritize the evaluation and treatment of covered beneficiaries in MTFs ahead of the evaluation and treatment of veterans and civilians in those facilities; 2) require an MTF to bill and to accept reim-

bursement from a civilian or a third-party payer on behalf of the individual for the costs of health care services provided to the individual; and 3) require the Secretary of Defense to enter into a memorandum of agreement with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs would reimburse an MTF, using a prospective payment methodology, for the costs of any health care services provided to an individual eligible for health care services from the VA.

*Enhancement of use of telehealth services in military health system (sec. 718)*

The Senate bill contained a provision (sec. 705) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to incorporate the use of telehealth services throughout the direct and purchased care components of the military health system. The provision would require the Department to make telehealth services available to: 1) improve access to primary care, urgent care, behavioral health care, and specialty care; 2) perform health assessments; 3) provide diagnoses, treatments, interventions, and supervision; 4) monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions; 5) improve communication between health care providers and patients; and 6) reduce health care costs for beneficiaries and the Department of Defense.

The provision would require the Secretary to establish standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program to incentivize the provision of telehealth services. The provision would also require the Secretary to reduce or eliminate co-payments or cost-shares for covered beneficiaries for receipt of telehealth services.

The provision would require the Secretary to submit an initial report, within 180 days of the date of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives, describing the full range of telehealth services to be available in the direct and purchased care components of the military health system. Within 3 years after the date of incorporation of telehealth services throughout the military health system, the Secretary would be required to submit a final report to the committees describing the impact made by use of telehealth services in the direct and purchased care components of the military health system.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment that would require the implementation of the use of telehealth services throughout the direct and purchased care components of the military health system not later than 18 months after the date of enactment of this Act and would delete the requirement that the location of the provider be considered to be the location of care.

*Authorization of reimbursement by Department of Defense to entities carrying out state vaccination programs for costs of vaccines provided to covered beneficiaries (sec. 719)*

The Senate bill contained a provision (sec. 757) that would authorize the Secretary of Defense to reimburse an entity carrying out a state vaccination program for the cost of providing vaccines to covered beneficiaries. Under this provision, the amount of reimbursement could not exceed the amount that the Department would reimburse an entity for providing vaccines to covered beneficiaries under the TRICARE program.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Subtitle C—Health Care Administration  
Authority to convert military medical and dental positions to civilian medical and dental positions (sec. 721)*

The Senate bill contained a provision (sec. 724) that would amend chapter 49 of title 10, United States Code, to authorize the Department of Defense to convert military medical and dental positions to civilian positions if: 1) conversion would not result in a loss of a military-essential position; 2) conversion would not result in degradation of medical care or the medical readiness of the Armed Forces; and 3) conversion to a civilian position would be more cost effective.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in collaboration with the service secretaries, to establish a process to define military medical and dental personnel requirements necessary to meet operational medical force readiness requirements. The amendment would authorize conversion of a military medical or dental position to a civilian medical or dental position if the Secretary determines that the position is unnecessary to meet operational medical force readiness requirements. Additionally, the amendment would require the Secretary to convert an applicable military position to a civilian position with a level of compensation commensurate with the skills and experience necessary to conduct the duties of the civilian position. The Secretary would not be authorized to place any limitation on the grade or level to which the military position would be converted. Finally, the amendment would require the Secretary to submit a report, within 90 days of enactment of this Act, to the Committees on Armed Services of the Senate and the House of Representatives that: 1) describes the process established to define military medical and dental personnel requirements necessary to meet operational medical force readiness requirements; and 2) provides a complete list, by position, of the military medical and dental requirements necessary to meet operational medical force readiness requirements. The amendment would not authorize conversions of military medical or dental positions to civilian positions until 180 days after the date on which the Secretary submits the report to the committees.

*Prospective payment of funds necessary to provide medical care for the Coast Guard (sec. 722)*

The House amendment contained a provision (sec. 731) that would amend chapter 13 of title 14, United States Code, to require the Secretary of Homeland Security to make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of medical treatment or care provided to members of the Coast Guard, former members of the Coast Guard, and their dependents at facilities under the jurisdiction of the Department of Defense except during any period in which the Coast Guard operates as a service in the Navy.

The Senate bill contained no similar provision.

The Senate recedes.

*Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime (sec. 723)*

The Senate bill contained a provision (sec. 739) that would eliminate an annual requirement that the managed care support contractors under the TRICARE program generate and mail an enrollment renewal letter to all beneficiaries enrolled in TRICARE Prime.

The House amendment contained no similar provision.

The House recedes.

*Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs (sec. 724)*

The Senate bill contained a provision (sec. 753) that would amend sections 2112(a) and 2113 of title 10, United States Code, to authorize the Uniformed Services University of the Health Sciences to grant certificates, certification, and undergraduate degree programs in addition to advanced degrees.

The House amendment contained no similar provision.

The House recedes.

*Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers (sec. 725)*

The Senate bill contained a provision (sec. 735) that would require the Secretary of Defense to implement measures, within 180 days of the date of enactment of this Act, to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. The provision would require the Secretary to implement a measure to ensure the Services do not substitute a medical specialty required for medical force readiness with another medical specialty. Additionally, the provision would require the Secretary to: 1) modify medical services; 2) reduce authorized strengths of military and civilian personnel; and 3) reduce or eliminate unnecessary infrastructure in the military health system such that military treatment facilities would provide only those services required to maintain the critical wartime medical skills and core competencies of health care providers and to ensure the medical readiness of the Armed Forces. Moreover, this provision would require the Comptroller General of the United States to provide a report, within 18 months of the date of enactment of this Act, which assesses the Department's implementation of this provision, to the Committees on Armed Services of the Senate and the House of Representatives.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary to implement measures, within 1 year of the date of enactment of this Act, to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. In implementing those measures, the Secretary must ensure that the medical services provided in military medical treatment facilities (MTFs), the authorized strengths of military and civilian personnel working in MTFs, and the infrastructure of MTFs maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces. The amendment would not require the Secretary to implement any of these measures at MTFs located in a foreign country if the Secretary determines that beneficiaries in that country would not have access to medical services in that country similar to access to medical services for covered beneficiaries in the United States.

*Program to eliminate variability in health outcomes and improve quality of health care services delivered in military medical treatment facilities (sec. 726)*

The Senate bill contained a provision (sec. 730) that would require the Secretary of Defense to conduct a program, beginning not later than January 1, 2018, to: 1) establish best practices for the delivery of health care

services for certain diseases or conditions at military treatment facilities (MTFs); 2) incorporate those best practices into the daily operations of MTFs participating in the program; and 3) eliminate variability in health outcomes and improve the quality of health care services delivered at MTFs. Under this provision, the Secretary would conduct the program in three phases and be required to complete each phase within 180 days following initiation of that phase. The initiation of phases two and three would immediately follow completion of the previous phase. The provision would require the Secretary, during the conduct of the program, to continuously monitor and adjust the health care services delivered at MTFs and the number of patients enrolled at those facilities to ensure: 1) a high degree of safety and quality in the delivery of health care at those facilities; and 2) the delivery of only those health care services critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary, by January 1, 2018, to implement a program to establish best practices for the delivery of health care services for certain diseases or conditions at MTFs, as selected by the Secretary, and to incorporate those best practices into the daily operations of MTFs to eliminate variability in health outcomes and to improve the quality of care at MTFs. In conducting this program, the Secretary shall develop, implement, monitor, and update clinical practice guidelines reflecting best practices for the delivery of health care services. The amendment would require the Secretary to monitor the implementation of the clinical practice guidelines and to update those guidelines periodically through a process of continual assessment of evidence-based best practices within the direct care component of the military health system and the private sector.

*Acquisition strategy for health care professional staffing services (sec. 727)*

The Senate bill contained a provision (sec. 738) that would amend section 725(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), to require the Department of Defense to implement a performance-based, strategic sourcing contract for acquiring health care professional staffing services for the military health system. The provision would require all components of the military health system to use the contract, and the Department would be required to develop a process for obtaining a waiver, based on documented rationale, to use another contract or acquisition approach.

The Senate bill also contained a provision (sec. 737) that would require the Secretary of Defense to enter into centrally-managed, performance-based contracts with private sector entities to augment the delivery of health care services at military treatment facilities (MTFs) with limited or restricted ability to provide services such as primary care or expanded-hours urgent care. Under this provision, contracts would be designed to purchase improvement in health outcomes for covered beneficiaries seeking health care services in MTFs. This provision would require the Secretary to submit a plan to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of enactment of this Act, that includes: 1) a description of the number and types of contracts the Secretary intends to procure; and 2) a description of the performance

measures used in procuring performance-based contracts.

The House amendment contained no similar provisions.

The House recedes with an amendment that would combine these provisions. The amendment would require the Secretary of Defense to develop and carry out a performance-based, strategic sourcing acquisition strategy for health care professional services at MTFs located in a state. The new acquisition strategy, as developed by the Secretary, would require all MTFs to use the contracts awarded under the strategy, but it would provide a process for an MTF to obtain a waiver of this requirement to use another acquisition strategy. The amendment would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives, by July 1, 2017, on the status of implementing the new acquisition strategy. Finally, the amendment would repeal section 725 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10 U.S.C. 1091 note).

*Adoption of core quality performance metrics (sec. 728)*

The House amendment contained a provision (sec. 711) that would require the Secretary of Defense to adopt the core quality performance measures agreed upon by a collaborative group of federal agencies, private sector health insurance plans, national physician organizations, employers, and health care consumers. These core quality performance measures would be used to evaluate the performance of the direct care and purchased care components of the military health system.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include in the core quality metrics such other sets of core quality performance metrics released by the Core Quality Measures Collaborative as the Secretary considers appropriate. The amendment would amend section 1073b of title 10, United States Code, to require the Secretary to include the core quality performance metrics mandated under this section in those metrics publicly available on an Internet website of the Department of Defense.

*Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries (sec. 729)*

The Senate bill contained a provision (sec. 728) that would require the Secretary of Defense, by January 1, 2018, to implement programs to increase involvement of covered beneficiaries in making health care decisions and to encourage beneficiaries to share more responsibility for the improvement in their health outcomes through participation in medical and lifestyle intervention programs. This provision would incentivize those beneficiaries with chronic diseases or conditions, such as diabetes, asthma, or depression, or those exhibiting unhealthy behaviors, such as tobacco use or obesity, to participate in comprehensive medical or lifestyle intervention programs designed to improve beneficiaries' health outcomes and functional status while controlling health care costs for those beneficiaries and the Department. This provision would also authorize the Secretary to charge and collect a fee from a covered beneficiary, other than an Active-Duty servicemember, for failure to notify a military treatment facility, within 24 hours of a scheduled appointment with a health care provider, that the beneficiary will be unable to attend the appointment. The Secretary of Defense would be required to submit a report

to the Committees on Armed Services of the Senate and the House of Representatives, by January 1, 2020, that describes implementation of the programs mandated under this provision.

The House amendment contained no similar provision.

The House recedes with an amendment that would also require the Secretary to establish a program to incentivize the maintenance of a healthy lifestyle, such as exercise and weight management, among covered beneficiaries. The amendment would not authorize the Secretary to charge and collect a fee from a covered beneficiary, other than an Active-Duty servicemember, for failure to notify a military treatment facility, within 24 hours of a scheduled appointment with a health care provider, that the beneficiary will be unable to attend the appointment.

The conferees are concerned, however, about the high number of failed medical appointments in the military health system. From October 2014 through September 2015, there were over 1.6 million scheduled appointments missed by all categories of beneficiaries. The large number of failed appointments negatively affects access to care for all beneficiaries. The conferees strongly urge the Secretary to implement programs to minimize the number of failed appointments in military hospitals and clinics.

*Accountability for the performance of the military health system of certain leaders within the system (sec. 730)*

The Senate bill contained a provision (sec. 722) that would require the Secretary of Defense and the secretaries of the military departments, within 180 days of the date of enactment of this Act, to incorporate performance accountability measures into the annual performance reviews of certain leadership positions in the military health care system. The provision would prohibit payment of a performance bonus to a civilian employee of the Department of Defense occupying a position, specified in the provision, unless the operations of the military health care system met or exceeded performance measures during the period of the employee's annual performance review. The Secretary of Defense would submit a report to the Committees on Armed Services of the Senate and the House of Representatives, within 180 days of enactment of this Act, which describes the incorporation of performance accountability measures in the annual performance reviews of leadership positions in the military health care system.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to determine which military and civilian leaders in the military health system would be required to have measures of accountability incorporated into their performance reviews and would delete the prohibition on performance bonuses for civilian employees who do not meet or exceed performance measures.

*Establishment of advisory committees for military treatment facilities (sec. 731)*

The Senate bill contained a provision (sec. 731) that would require the Secretary of Defense to establish an advisory committee for each military medical treatment facility (MTF). Each advisory committee would include six beneficiaries eligible for health care services in the military health system: 1) two Active-Duty servicemembers; 2) two Active-Duty family members; and 3) two military retirees.

The House amendment contained no similar provision.

The House recedes with an amendment that would not prescribe the composition of

members of an advisory committee established by the Secretary. The amendment would also clarify that each advisory committee shall provide advice to the commanding officer or director of a MTF on the administration and activities of the facility as it relates to the experience of care for beneficiaries.

Subtitle D—Reports and Other Matters

*Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund and report on implementation of information technology capabilities (sec. 741)*

The Senate bill contained a provision (sec. 755) that would extend the authority for the joint Department of Defense-Department of Veterans Affairs demonstration fund from September 30, 2017, to September 30, 2018.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report, not later than March 30, 2017, to the Committees on Armed Services of the Senate and the House of Representatives on plans to implement all information technology capabilities required by the executive agreement entered into under section 1701(a) of the National Defense Authorization Act for fiscal year 2010 (Public Law 111-84) that remain unimplemented as of the date of the report.

*Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces (sec. 742)*

The Senate bill contained a provision (sec. 751) that would require the Secretary of Defense to commence a physician assistant psychiatric fellowship pilot program, within 1 year of the date of enactment of this Act, to assess the feasibility and advisability of expanding the use of physician assistants specializing in psychiatric medicine. The pilot program would consist of two rounds with each round taking a maximum of 2 years to complete. Under this provision, the Secretary would select a least five individuals to participate in the pilot program for each round. Within 180 days after the date the Secretary completes the first round of the psychiatric fellowship pilot program, the Secretary would submit an initial report to the Committees on Armed Services of the Senate and the House of Representatives on the program. Subsequently, the Secretary would submit a final report that updates the initial report within 90 days after termination of the pilot program. The authority for the pilot program would terminate upon completion of the second round of the psychiatric fellowship program.

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to conduct a pilot program to assess the feasibility and advisability of expanding the use of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense. If the Secretary conducts the pilot program, the Secretary would submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the pilot program within 90 days of completion of the program.

*Pilot program for prescription drug acquisition cost parity in the TRICARE pharmacy benefits program (sec. 743)*

The House amendment contained a provision (sec. 745) that would authorize the Secretary of Defense to conduct a pilot program to evaluate whether extending additional discounts for prescription drugs filled at TRICARE retail network pharmacies would either maintain or reduce prescription drug

costs for the Department of Defense. If the Secretary decides to conduct the pilot program, the Secretary would submit to the congressional defense committees: 1) an initial report, within 90 days of enactment of this Act, containing an implementation plan for the pilot program; 2) an interim report within 180 days after the pilot program begins; and 3) a final report, within 90 days of the end of the pilot program, describing the results of the program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary, in conducting the pilot program, to allow any TRICARE beneficiaries, other than Medicare-eligible beneficiaries, to participate in the pilot program.

The amendment would also modify the requirements for the final report.

*Pilot program on display of wait times at urgent care clinics and pharmacies of military medical treatment facilities (sec. 744)*

The Senate bill contained a provision (sec. 733) that would require the commander or director of a military treatment facility, by January 1, 2018, to display in a conspicuous location at each urgent care clinic, emergency department, and pharmacy in a military treatment facility (MTF) an electronic sign that displays the current average wait time either to be seen by a qualified medical provider or to receive a filled prescription of a pharmaceutical agent. The provision would prescribe how the commander or director should determine the average wait times for beneficiaries at urgent care clinics, emergency departments, and pharmacies in military treatment facilities.

The House amendment contained a provision (sec. 746) that would require the Secretary of Defense to study the feasibility of displaying average wait times at urgent care clinics, pharmacies, and emergency departments of MTFs and to submit a report, which includes the estimated costs for displaying wait times, to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2017.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a pilot program, not later than 1 year after the date of enactment of this Act, for the display of wait times in urgent care clinics and pharmacies of MTFs. The provision would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives within 90 days of completion of the pilot program that would include, among the report elements, a determination of the feasibility of expanding the posting of wait times in emergency departments in MTFs.

*Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress (sec. 745)*

The Senate bill contained a provision (sec. 761) that would require the Secretary of Defense, within 180 days of enactment of this Act, to: 1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress (PTS); 2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents discouraged from use under the clinical practice guideline for management for PTS published by the Department of Defense (DOD) and the Department of Veterans Affairs (VA); 3) implement a plan to address any deviations from that guideline in the prescribing practices of pharmaceutical agents for management of PTS; and 4) implement a plan to address any instances where

benzodiazepines and opioids are concurrently prescribed.

The House amendment contained a similar provision (sec. 732)

The Senate recedes.

*Department of Defense study on preventing the diversion of opioid medications (sec. 746)*

The House amendment contained a provision (sec. 750) that would require the Secretary of Defense to conduct a study on the feasibility and effectiveness in preventing the diversion of opioid medications by requiring opioid medications to be dispensed in vials designed to prevent unauthorized access to those medications and by educating patients and family members, with special emphasis on adolescents, on the risks associated with opioid medications.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Incorporation into survey by Department of Defense of questions on experiences of members of the Armed Forces with family planning services and counseling (sec. 747)*

The Senate bill contained a provision (sec. 759) that would require the Secretary of Defense, within 90 days after the date of enactment of this Act, to begin action to integrate into certain surveys administered by the Department of Defense questions designed to obtain information on the experiences of service women with family planning and counseling.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, within 90 days of enactment of this Act, to initiate action to integrate into the the Health Related Behavior Survey of Active-Duty Military Personnel questions designed to obtain information on the experiences of servicemembers with family planning and counseling.

*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. 748)*

The Senate bill contained a provision (sec. 760) that would require the Secretary of Defense, within 180 days of enactment of this Act, to complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on Active Duty, pursuant to a call to or order to Active Duty for a period of more than 30 days, experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an Active-Duty status to health benefits under the TRICARE program. Within 180 days after completing the assessment, the Secretary shall submit a report detailing the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives. This provision would also amend section 1079(h)(4)(C)(ii) of title 10, United States Code, to expand the authority of the Secretary to eliminate balance billing for families of members of the reserve components of the Armed Forces serving on Active Duty.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Oversight of graduate medical education programs of military departments (sec. 749)*

The Senate bill contained a provision (sec. 752) that would require the Secretary of Defense to implement a phased plan, within 1 year of the date of enactment of this Act, to eliminate those graduate medical education programs of the Department that do not di-

rectly support the medical force readiness requirements for health care providers within the Armed Forces. The Secretary would provide a report, within 180 days of the date of enactment of this Act, which provides the Department's plan to eliminate graduate medical education programs non-essential for medical force readiness.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to establish and implement a process to provide oversight of the graduate medical education programs of the military departments to ensure that those programs fully support the operational medical force readiness requirements for health care providers of the Armed Forces and the medical readiness of the Armed Forces. The amendment would require the Secretary, within 30 days of the establishment of the oversight process, to submit a report to the Committees on Armed Services of the Senate and the House of Representatives that describes the process. In addition, the amendment would require the Comptroller General of the United States to conduct a review of the oversight process and to provide a report to the committees within 180 days after the date that the Secretary submits the Department's report to the committees.

*Study on health of helicopter and tiltrotor pilots (sec. 750)*

The House amendment contained a provision (sec. 744) that would require the Secretary of Defense to conduct a long-term study of helicopter and tiltrotor pilots to assess the acute and chronic medical conditions of those pilots. The provision would also require the Secretary to brief the Committees on Armed Services of the Senate and the House of Representatives on the results of the study.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days after completion of the study.

*Comptroller General reports on health care delivery and waste in military health system (sec. 751)*

The Senate bill contained a provision (sec. 763) that would require the Comptroller General of the United States, within 1 year after the date of enactment of this Act, and at least annually thereafter for 4 years, to submit to the Committees on Armed Services of the Senate and the House of Representatives, a report assessing and identifying potential waste and inefficiency relating to the delivery of health care within the military health system.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Modifications of cost-sharing requirements for the TRICARE pharmacy benefits program and treatment of certain pharmaceutical agents*

The Senate bill contained a provision (sec. 702) that would modify cost-sharing amounts for the TRICARE pharmacy benefits program for years 2017 through 2025. After 2025, the Department could establish cost-sharing amounts equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, to reflect increases in costs of pharmaceutical agents and pharmacy dispensing fees. With this provision, beneficiaries would

continue to receive pharmaceuticals at no cost in military medical treatment facilities. Under this provision, there would be no changes to cost-sharing amounts for survivors of members who died on Active Duty or for disabled retirees and their family members. The provision would authorize the Secretary of Defense, upon recommendation from the Pharmacy and Therapeutics Committee and review by the Uniform Formulary Beneficiary Advisory Panel, to exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides little or no value to covered beneficiaries and the Department. Additionally, the Secretary would give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for the purposes of cost-sharing, as a generic product under the TRICARE retail pharmacy and mail order programs. Finally, the provision would authorize the Secretary to adopt special reimbursement methods, amounts, and procedures in medical contracts to encourage physicians to use high-value pharmaceutical agents and to discourage use of low-value agents.

The House amendment contained no similar provision.

The Senate recedes.

*Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma*

The Senate bill contained a provision (sec. 708) that would authorize the Secretary of Defense to conduct a pilot program, of not more than 3 years duration, to award competitive grants to community partners to provide intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to those conditions.

The House amendment contained no similar provision.

The Senate recedes.

*Selection of commanders and directors of military treatment facilities and tours of duty of commanders of such facilities*

The Senate bill contained a provision (sec. 723) that would require the Secretary of Defense to develop common qualifications and core competencies required for selection of commanders or directors of military medical treatment facilities. The provision would also establish a minimum length of 4 years for tours of duty, with limited exceptions, for those commanders or directors to ensure greater stability in health system executive management at each facility and throughout the military health system.

The House amendment contained no similar provision.

The Senate recedes.

*Use of mefloquine for malaria*

The House amendment contained a provision (sec. 733) that would: 1) limit the use of mefloquine for malaria prophylaxis to servicemembers with intolerance or contraindications to other chemoprophylaxis agents; 2) require licensed medical providers to prescribe mefloquine on an individual basis; and 3) require medical providers to counsel servicemembers on the potential side effects of the drug and to provide written patient information required by the Food and Drug Administration.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that mefloquine is one of several drugs recommended by the Centers for Disease Control to prevent malaria and to treat certain forms of the disease. The

conferees are concerned, however, that mefloquine may produce serious neuropsychiatric side effects such as depression, auditory and visual hallucinations, anxiety, and suicidal ideation. The conferees urge the Department of Defense to limit the prescription of mefloquine to those servicemembers who may be unable to take other first-line anti-malarial drugs. If medical providers must prescribe mefloquine to certain servicemembers, providers must ensure that those servicemembers understand the potential adverse effects of the drug.

*Mental health resources for members of the military services at high risk of suicide*

The House amendment contained a provision (sec. 741) that would require the Secretary of Defense to: 1) develop a methodology that identifies servicemembers and military units at high risk of suicide; and 2) provide additional preventative and mental health treatment resources for servicemembers.

The Senate bill contained no similar provision.

The House recedes.

*Research of chronic traumatic encephalopathy*

The House amendment contained a provision (sec. 742) that would provide that not more than \$25 million of the funds available for advanced development for research, development, test, and evaluation for the Defense Health Program for fiscal year 2017 may be used to award grants to medical researchers and universities to support research into early detection of chronic traumatic encephalopathy.

The Senate bill contained no similar provision.

The House recedes.

*Active oscillating negative pressure treatment*

The House amendment contained a provision (sec. 743) that would require the Secretary of Defense to consider using non-invasive technologies, such as active oscillating negative pressure, to treat servicemembers who have incurred injuries from blast-related events.

The Senate bill contained no similar provision.

The House recedes.

*Report on feasibility of including acupuncture and chiropractic services for retirees under TRICARE program*

The House amendment contained a provision (sec. 747) that would require the Secretary of Defense to submit a report to the congressional defense committees on the feasibility of providing acupuncture and chiropractic services under the TRICARE program to beneficiaries who are retired members of the uniformed Services.

The Senate bill contained no similar provision.

The House recedes.

*Clarification of submission of reports on longitudinal study on traumatic brain injury*

The House amendment contained a provision (sec. 748) that would clarify that section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note) should not apply to reports submitted by the Secretary of Defense to Congress under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294).

The Senate bill contained no similar provision.

The House recedes.

*Increased collaboration with NIH to combat triple negative breast cancer*

The House amendment contained a provision (sec. 749) that would require the Department of Defense to: 1) collaborate with the

National Institutes of Health to identify genetic and molecular targets and biomarkers for triple negative breast cancer; and 2) provide information in biomarker selection, drug discovery, and clinical trials design to enable early identification of this form of breast cancer and development of multiple targeted therapies for the disease.

The Senate bill contained no similar provision.

The House recedes.

*Memoranda of agreement with institutions of higher education that offer degrees in allopathic or osteopathic medicine*

The Senate bill contained a provision (sec. 754) that would require the Secretary of Defense to enter into memoranda of agreement with local or regional allopathic or osteopathic schools of medicine to establish military treatment facilities as affiliate teaching hospitals.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that the Department of Defense has existing authority to enter into agreements with medical schools to establish military treatment facilities as affiliate teaching hospitals, and the conferees strongly urge the Department to expand those affiliations. By sharing training facilities, staffing, and material resources, the conferees believe these new academic affiliations could help improve and sustain operational medical force readiness and serve as productive recruiting grounds for new military physicians.

*Prohibition on conduct of certain medical research and development projects*

The Senate bill contained a provision (sec. 756) that would prohibit the Secretary of Defense and each service secretary from funding or conducting a medical research and development project unless the secretary concerned determines that the project would protect, enhance, or restore the health and safety of members of the Armed Forces.

The House amendment contained no similar provision.

The Senate recedes.

The conferees express concern regarding the amount of congressional funding for medical research in the Department of Defense's

(DOD) Congressionally Directed Medical Research Program. Since 1992, Congress has appropriated almost \$10 billion for medical research—most of it outside of DOD's core medical research mission and not requested in the Department's annual budget requests.

*Report on plan to improve pediatric care and related services for children of members of the Armed Forces*

The Senate bill contained a provision (sec. 762) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department to improve pediatric care and related services for children of members of the Armed Forces.

The House amendment contained no similar provision.

The Senate recedes.

*Treatment of certain provisions relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense*

The Senate bill contained a provision (sec. 764) that would require sections 756 and 898 of the Senate bill relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense to have no force or effect.

The House amendment contained no similar provision.

The Senate recedes.

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

**Subtitle A—Acquisition Policy and Management**

*Rapid acquisition authority amendments (sec. 801)*

The Senate bill contained a provision (sec. 801) that would amend section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to better integrate and conform the provision with the rapid acquisition authorities established in section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained no similar provision.

The House recedes.

*Authority for temporary service of Principal Military Deputies to the Assistant Secretaries of the military departments for acquisition as Acting Assistant Secretaries (sec. 802)*

The Senate bill contained a provision (sec. 802) that would amend sections 3016(b)(5)(B), 5016(b)(4)(B), and 8016(b)(4)(B) of title 10, United States Code, to allow Principal Military Deputies to serve in an acting capacity if there is a vacancy in the position of the Service Acquisition Executive.

The House amendment contained no similar provision.

The House recedes.

*Modernization of services acquisition (sec. 803)*

The Senate bill contained a provision (sec. 804) that would require the Secretary of Defense to revise the Department of Defense Instruction 5000.74, dated January 6, 2016.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to review and, if necessary, revise Department of Defense Instruction 5000.74, dated January 5, 2016, and other guidance pertaining to the acquisition of services not later than 180 days after the date of the enactment of this Act. The amendment also would expand, from the acquisition workforce to all Department of Defense employees engaged in the procurement of services, the workforce to be developed and trained on the acquisition of services.

*Defense Modernization Account amendments (sec. 804)*

The Senate bill contained a provision (sec. 899B) that would amend section 2216 of title 10, United States Code, to clarify authorizations for the Defense Modernization Account.

The House amendment contained no similar provision.

The House recedes with an amendment that would exclude the transfer of funds that support installations and facilities to the Defense Modernization Account. The amendment would set a \$1.0 billion limit on the total balance of the account and require that an acquisition program milestone decision authority approve the use of funds in the account. The amendment would also require that subaccounts be established for each of the military departments and defense agencies that deposit and use funds in the account.

**Subtitle B—Department of Defense Acquisition Agility**

*Modular open system approach in development of major weapon systems (sec. 805)*

The House amendment contained a provision (sec. 1701) that would require all major defense acquisition programs (MDAPs) initiated after January 1, 2019, to be designed and

developed with a modular open system approach (MOSA), to the maximum extent practicable.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify when programs are required to start using MOSA. The amendment also would modify the definition of a major system interface to include characterization of the form, function, and content that flows across the interface. The amendment would require the acquisition strategy for a program that uses MOSA to also describe the approach to systems integration and configuration management.

*Development, prototyping, and deployment of weapon system components or technology (sec. 806)*

The House amendment contained a provision (sec. 1702) that would require a major defense acquisition program (MDAP) initiated after January 1, 2019, to include only technical development that the milestone decision authority determines, with a high degree of confidence, would not delay fielding target for the program. Concurrent technology maturation and system development would remain authorized, but only for technologies for which there is high confidence that concurrency would not postpone fielding. For higher risk technologies, the milestone decision authority would use the new authorities provided in this section, or other available authorities, to mature and demonstrate technologies prior to initiating or separate from a program of record. This section also would provide the military services with new funding and acquisition flexibility to experiment with, prototype, and rapidly deploy weapon system components and other technologies.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the considerations for planning and conducting prototype projects to include existing commercial technologies and opportunities to reduce operation and support costs of major weapon systems. The amendment would clarify that the military services can use an existing oversight board, if one exists, to carry out the prototyping oversight requirements of this provision. The amendment would require prototyping projects to develop a plan for transition into a fielded system or operational use. The amendment also would reduce the duration of a project to 2 years and would clarify that the rapid prototyping process established by section 804 of the Fiscal Year 2016 National Defense Authorization Act (Public Law 114-92) should be pursued if projects exceed the duration and funding limits of this provision.

*Cost, schedule, and performance of major defense acquisition programs (sec. 807)*

The House amendment contained a provision (sec. 1703) that would require the Secretary of Defense, or his designee, to assign program cost and fielding targets when major defense acquisition programs (MDAPs) are initiated.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that cost and fielding targets should be established before funds are obligated for technology development, system development, or production of a major defense acquisition program. The amendment would modify the definition of the cost target to include the program procurement unit cost and sustainment cost. The amendment would remove the list of elements that should be considered in establishing the program goals because such elements are generally known and are included in existing ac-

quisition policy guidance. The amendment would modify the delegation of authority for establishing program targets only to the Deputy Secretary of Defense. The amendment also would clarify that the required independent technical risk assessments conducted prior to program milestone approvals should identify any manufacturing processes that need to be matured.

*Transparency in major defense acquisition programs (sec. 808)*

The House amendment contained a provision (sec. 1704) that would require the milestone decision authority for a major defense acquisition program to provide a new "acquisition scorecard" report to the congressional defense committees and, when appropriate, to congressional intelligence committees at each milestone decision point of each program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the information required in the program summary reports, to include the major cost contributors identified at Milestone A that could affect the life-cycle costs of the program and any manufacturing risks identified at Milestone A or B that are associated with the program.

*Amendments relating to technical data rights (sec. 809)*

The House amendment contained a provision (sec. 1705) that would make several amendments to technical data rights conferred in section 2320 of title 10, United States Code. Among other things, the provision would delineate types of interfaces and specify the rights provided to the U.S. Government in such interfaces. It would require the U.S. Government and Department of Defense contractors to negotiate for data rights when items or processes are developed with a mix of Federal and private funds. The provision also would limit deferred ordering of technical data to 6 years after delivery of the last item on a contract and to technical data generated, not utilized, in the performance of the contract.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of Defense to negotiate for rights other than government purpose rights for technical data relating to major system interfaces if it would be in the best interest of the United States. The amendment would require the Department of Defense to identify major system interfaces in contract solicitations and contracts. For major system interfaces developed exclusively at private expense, the amendment would clarify that the Secretary shall negotiate with the developer appropriate compensation for the technical data. The conferees understand that section 2320 sets forth various rights in technical data, and that the price for acquiring technical data to which the U.S. Government is entitled is determined through negotiations between the Department and contractors. The conferees believe that in the case of privately funded major system interfaces for which the Department asserts government purpose rights it is necessary to explicitly require negotiation for compensation. Notwithstanding this amendment, the conferees expect the standard practice of negotiating prices for technical data to continue for all other categories of rights and circumstances set forth in section 2320.

The amendment also would specify the U.S. Government's rights to technical data pertaining to privately funded general interfaces necessary for the segregation and reintegration of an item or process. Finally, the amendment would extend the duration of

the government-industry advisory panel established in section 813 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and require the advisory panel to consider the technical data rights necessary to support the modular open system approach (MOSA) required elsewhere in this Act. The conferees are aware that the advisory panel has not yet completed its review of sections 2320 and 2321 of title 10, United States Code. The conferees recognize there are many issues in technical data rights that this conference agreement does not address, and are encouraged that the panel's comprehensive and thoughtful analysis thus far will yield promising recommendations.

Additionally, the conferees understand that successful implementation of MOSA necessitates the allocation of technical data rights in major system interfaces, a new concept under MOSA. The use of MOSA relies upon the ability of major system components to be added, removed, or replaced as needed throughout the life cycle of the major weapon system due to evolving technology, threats, sustainment, and other factors. Therefore, major system interfaces that share a boundary between major system components and major system platforms are critical, and it is imperative that the government have appropriate access to the technical data of such interfaces. The conferees understand the importance of technical precision in establishing clear delineation of major system platforms, major system interfaces, and major system components. As such, the conferees urge the Department to carefully consider and take input from the advisory panel and industry on the meanings and implications of these key terms. The conferees expect the Department to include this consideration in its review of the MOSA authorities and its briefing on the implementation of MOSA required in the House report accompanying H.R. 4909 (H. Rept. 114-537) of the National Defense Authorization Act for Fiscal Year 2017.

The conferees also note that the Department recently issued a proposed rule that would implement amendments to section 2320 of title 10, United States Code, enacted in section 815 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). Various representatives of industry have expressed concern about the effects on defense acquisition of the amendments made in Public Law 112-81 and the Department's implementation of such amendments. Therefore, the conferees believe the amendments to technical data rights included in this conference agreement are necessary at this time.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

*Modified restrictions on undefinitized contractual actions (sec. 811)*

The Senate bill contained a provision (sec. 816) that would amend section 2326 of title 10, United States Code, to revise policies regarding undefinitized contractual actions (UCAs). Over the past decade the use of UCAs by the services and defense agencies has grown significantly while the speed at which these UCAs are definitized has lagged. To address this situation, the provision would: (1) require a written determination by senior officials to extend a UCA beyond 90 days; (2) require UCAs to be awarded on a fixed-price level-of-effort basis; and (3) extend the 180 day definitization requirement to contracts in support of Foreign Military Sales cases.

The House amendment contained a similar provision (sec. 802).

The House recedes with an amendment that would eliminate the requirement that

undefinitized contractual actions be awarded on a fixed-price basis, ensure that allowable profit reflects the cost risk at the time that a contractor submits a qualifying proposal to definitize a contract, and specify that such a proposal contain the information necessary to conduct a meaningful audit of the proposal.

*Amendments relating to inventory and tracking of purchases of services (sec. 812)*

The Senate bill contained a provision (sec. 820) that would amend section 2330a of title 10, United States Code, to clarify the applicability of the contractor inventory requirement to staff augmentation contracts and to reduce data collection and unnecessary reporting requirements.

The House amendment contained a provision (sec. 803) that would amend section 2330a of title 10, United States Code, to revise the current requirement related to how the Department of Defense accounts for and reports contracts for services.

The Senate recedes with an amendment that would set the inventory collection threshold at contracts for services in excess of \$3.0 million and would narrow the focus of the inventory collection requirement to staff augmentation contracts as informed by the specified Service Acquisition Portfolio Groups. Rather than providing the inventory itself to the Congress, the amendment would require the Secretary of Defense to provide to Congress an annual summary of the inventory activities performed during the past year pursuant to staff augmentation contracts as defined in the amendment. Additionally, the amendment removes the Department of Defense Office of the Inspector General reporting requirement and reduces the annual Comptroller General reporting requirement to a one-time review in 2018 that would cover the changes implemented by this Act.

In performing the review and planning requirements in (d), the conferees direct the Secretary of the military department or the head of the Defense Agency to focus on the 17 Product Service Codes identified by the Office of Federal Procurement Policy and the Government Accountability Office in report GAO-16-46 as high risk for including services that are closely associated with inherently governmental functions.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and House of Representatives, no later than February 1, 2017, on the plan to implement the inventory and reporting changes required by this Act, particularly implementation of the inventory of Product Service Codes and staff augmentation contracts. The briefing shall include information on differences in the number and value of contracts captured before and after the changes made by this Act.

*Use of lowest price technically acceptable source selection process (sec. 813)*

The Senate bill contained a provision (sec. 825) that would require the Department of Defense to revise the Defense Federal Acquisition Regulation Supplement (DFARS) to limit the use of lowest price technically acceptable (LPTA) source selection criteria in circumstances that would potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process. The Department would be required to only use LPTA criteria in specified circumstances and avoid them to the maximum extent practicable for the procurement of knowledge-based professional services such as information technology services.

The House amendment contained a similar provision (sec. 847).

The House recedes with an amendment that would require justification of LPTA

evaluation methodologies in each contract file, require determination that lowest price reflects full life-cycle costs, and expand restrictions on the use of LPTA evaluation methodologies to include advanced electronic testing and knowledge-based, training, or logistics services in overseas contingency operations. The amendment would also limit LPTA reporting to only contracts that exceed \$10.0 million.

*Procurement of personal protective equipment (sec. 814)*

The Senate bill contained a provision (sec. 829D) that would prohibit the use of reverse auctions and lowest price technically acceptable (LPTA) contracting methods for the procurement of personal protective equipment where the level of quality needed or the failure of the item could result in combat casualties.

The House amendment contained a similar provision (sec. 804) that would amend section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to clarify source selection criteria to be used in the procurement of personal protective equipment or critical safety items.

The House recedes.

The conferees understand that, in some cases, both LPTA and reverse auctions are appropriate contracting methods and price discovery methods. However, the conferees do not believe that such methods are appropriate for equipment that provides personal protection to members of the Armed Services.

*Amendments related to detection and avoidance of counterfeit electronic parts (sec. 815)*

The House amendment contained a provision (sec. 806) that would modify section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) by replacing the term "trusted suppliers" with the term "suppliers that meet anticounterfeiting requirements", as well as related conforming amendments. This provision would clear up confusion about the term, which refers to the specific category of microelectronics supplies that have been accredited by the Defense Microelectronics Activity.

The Senate bill contained no similar provision.

The Senate recedes.

*Amendments to special emergency procurement authority (sec. 816)*

The House amendment contained a provision (sec. 807) that would amend section 1903 of title 41, United States Code, to expand the permissible uses of special emergency procurement authorities to include support of international disaster assistance and support of a national emergency or natural disaster relief efforts in the United States as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The Senate recedes.

The conferees direct the Comptroller General, not later than 4 years after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and House of Representatives a review of all procurement activities conducted under the authorities provided by this provision.

The conferees direct any agency making use of this expanded authority to closely consult with the Congress on its use, especially its use over extended periods of time; the establishment of mechanisms to ensure proper oversight over its use; and the monitoring of its impact on industry, especially small and disadvantaged businesses.

*Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces (sec. 817)*

The Senate bill contained a provision (sec. 671) that would require the Secretary of De-

fense to furnish athletic footwear directly to members of the Army, Navy, Air Force, and Marine Corps instead of providing a cash allowance. Such footwear must comply with section 2533a of title 10, United States Code.

The House amendment contained a similar provision (sec. 808).

The House recedes with an amendment that would authorize the Department of Defense, for two years, to purchase additional footwear that is necessary to provide sufficient choices to minimize the incidence of athletic injuries in initial entry training. During those two years, the conferees expect the Secretary, to the maximum extent practicable, to furnish footwear from domestic sources while taking appropriate steps to minimize the incidence of athletic injuries. The conferees direct the Secretary of Defense to develop a plan and schedule to fully implement this provision, and brief that plan and schedule to the Committees on Armed Services of the Senate and the House of Representatives no later than six months following the date of enactment of this Act.

The conferees are aware that a number of scientific studies have been and are being conducted to evaluate variances in foot structures, related causes of athletic foot injuries, and appropriate footwear to reduce the incidence of such injuries. The conferees direct the Secretary of Defense to brief the results of those studies to the Committees on Armed Services of the Senate and the House of Representatives no later than 18 months following the date of enactment of this Act. The briefing shall include recommendations for reducing injuries in recruits, including modifying initial entry training methods, medically evaluating the foot types of members of the Armed Forces in initial entry training, furnishing appropriate footwear to such members in initial entry training, and domestic sourcing of such footwear.

*Extension of authority for enhanced transfer of technology developed at Department of Defense laboratories (sec. 818)*

The Senate bill contained a provision (sec. 899) that would extend until 2020 the authorization granted to the Secretary of Defense and military service secretaries to license Department of Defense-owned intellectual property.

The House amendment contained a similar provision (sec. 809B) to extend the authorization until 2021.

The Senate recedes.

*Modified notification requirement for exercise of waiver authority to acquire vital national security capabilities (sec. 819)*

The Senate bill contained a provision (sec. 805) that would amend subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to provide for a notification to Congress not later than ten days after the use of the waiver authority to acquire vital national security capabilities outlined earlier in section 806.

The House amendment contained no similar provision.

The House recedes.

*Defense cost accounting standards (sec. 820)*

The Senate bill contained a provision (sec. 811) that would amend chapter 7 of title 10, United States Code, and establish an independent board chaired by the Chief Financial Officer of the Department of Defense to prescribe, amend, and rescind cost accounting standards as they affect operations at the Department of Defense. The provision also requires that cost accounting standards developed shall to the maximum extent practicable align with Generally Accepted Accounting Principles (GAAP), thereby minimizing the requirement for government-

unique cost accounting systems. The provision would also ensure that managerial cost accounting and activity-based accounting structures derived from cost accounting standards are applied to the financial operations of the Department of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would modify sections 1501 and 1502 of title 41, United States Code, to improve the government-wide Cost Accounting Standards Board (CASB) and require that Federal Cost Accounting Standards (CAS) be reconciled, to the extent possible, with U.S. Generally Accepted Accounting Principles. The amendment also would require the CASB to hire an executive director and meet at least quarterly to reduce inconsistencies between CAS and GAAP, as well as address problems identified by cases presented to the Armed Services Board of Contract Appeals and Civilian Board of Contract Appeals. Additionally, the amendment would allow the head of a Federal agency to waive the application of the CAS for contracts valued at less than \$100.0 million. The amendment also would retain the Senate proposal to create a Defense Cost Accounting Standards Board, but would authorize the new board to advise the CASB, oversee implementation of CAS within the Department of Defense, and ensure that managerial cost accounting is appropriately implemented for commercial functions performed by employees of the Department. The conferees also encourage the Director, Defense Contract Audit Agency (DCAA) to examine the potential for electronic quality management systems to improve the ability of DCAA to conduct thorough and timely audits.

*Increased micro-purchase threshold applicable to Department of Defense procurements (sec. 821)*

The Senate bill contained a provision (sec. 812) that would amend chapter 137 of title 10, United States Code, to establish the micro-purchase threshold for Department of Defense activities at \$5,000.

The House amendment contained no similar provision.

The House recedes.

*Enhanced competition requirements (sec. 822)*

The Senate bill contained a provision (sec. 813) that would amend section 2306a of title 10, United States Code, to clarify the definition of competition and the role of the prime contractor in determining whether a sub-contract meets the competitive or commercial test under the section.

The House amendment contained no similar provision.

The House recedes.

The conferees recognize that the government retains the right to review determinations made by prime contractors.

*Revision to effective date of senior executive benchmark compensation for allowable cost limitations (sec. 823)*

The House amendment contained a provision (sec. 805) that would remove the retroactive application requirement of section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), which implemented a cap on the allowable compensation of contractor employees. As a result of this revision, section 803 would apply to compensation costs incurred after January 1, 2012, under contracts entered into on or after December 31, 2011.

The Senate bill contained no similar provision.

The Senate recedes.

*Treatment of independent research and development costs on certain contracts (sec. 824)*

The Senate bill contained a provision (sec. 814) that would amend section 2372 of title 10,

United States Code, to clarify in what circumstances independent research and development costs are considered fair, reasonable, and allowable expenses on Department of Defense contracts.

The House amendment contained no similar provision.

The House recedes with an amendment that would create a new section 2372a of title 10, United States Code, that would specify that bid and proposal expenses considered as allowable indirect costs on cost-reimbursement contracts should be reported independently of independent research and development costs under section 2372 of title 10, United States Code. The amendment would establish for the Department of Defense a goal that Department-wide bid and proposal costs should not exceed one percent of the amount of contractor sales to the Department. The conferees do not intend for the Department to achieve this goal by arbitrarily limiting the amount of bid and proposal costs contractors may have reimbursed, but to instead address the factors driving bid and proposal costs. The amendment would also require the Department to contract with an outside, independent entity to study the laws, regulations, and practices driving bid and proposal costs and provide recommendations to the Department on how to reduce these costs. If, in any year the Department fails to meet the one percent goal, the amendment would require that an advisory panel pursuant to the Federal Advisory Committees Act (5 U.S.C. app) be established to provide recommendations on changes to statute, regulation, and practice to reduce bid and proposal costs. The amendment also would require the Department to report on bid and proposal costs and independent research and development costs as part of the report required under 2313a of title 10, United States Code.

*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. 825)*

The Senate bill contained a provision (sec. 815) that would amend section 2305(a)(3) of title 10, United States Code, to provide an exception to the existing statutory requirement to include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The provision would only apply to multiple award task or delivery order contracts to buy services and the Department would then appropriately focus on price when individual task orders are issued and competed.

The House amendment contained no similar provision.

The House recedes with an amendment that would allow task or delivery orders to be awarded on a sole-source basis when a standalone contract could be awarded on a sole-source basis. The amendment also would preclude the award of multiple award contracts without cost or pricing data in cases where task orders are expected to be awarded as sole source contracts to small businesses under section 8(a) of the Small Business Act (Public Law 85-536) because price competition at the time of task or delivery order award would not be expected.

*Extension of program for comprehensive small business contracting plans (sec. 826)*

The Senate bill contained a provision (sec. 818) that would amend chapter 137 of title 10, United States Code, to add a new section that would codify the authority to conduct small business subcontracting plans. The Government Accountability Office (GAO) recently reported to the committee that the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

has resulted in the avoidance of millions of dollars in administrative costs and recommended that the program be made permanent. This provision would implement GAO's recommendation.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the current pilot program through the end of fiscal year 2027.

*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. 827)*

The Senate bill contained a provision (sec. 823) that would amend section 2350a(g) of title 10, United States Code, to add a new paragraph to clarify that the general solicitation and testing competitive procedures used under the program are competitive procedures under chapter 137 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would make discretionary the use of side-by-side testing to fulfill competitive procedures for follow-on procurements and that would set a time limit within which such follow-on procurements could be conducted. The conferees expect that, prior to procuring any items under this provision, market research will be conducted to determine that comparable items are not available.

*Defense Acquisition Challenge Program amendments (sec. 828)*

The Senate bill contained a provision (sec. 824) that would amend section 2359b(a)(2) of title 10, United States Code, to expand the scope of the defense acquisition challenge program to include alternatives to existing acquisition programs and to clarify that the general solicitation competitive procedures used under the program are competitive procedures under chapter 137 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

*Preference for fixed-price contracts (sec. 829)*

The Senate bill contained a provision (sec. 827) that would revise the Defense Federal Acquisition Regulation Supplement to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type and establish an approval mechanism for the use of cost-type contracts over \$5.0 million in value.

The House amendment contained no similar provision.

The House recedes with an amendment that would expand the number of Department of Defense officials who can approve a cost-type contract and that would increase the contractual dollar threshold that require such approvals.

*Requirement to use firm fixed-price contracts for foreign military sales (sec. 830)*

The Senate bill contained a provision (sec. 828) that would require the Secretary of Defense to prescribe regulations to require the use of firm fixed-price contracts for foreign military sales not later than 180 days after the enactment of this Act. Additionally, this provision would grant the Secretary waiver authority if the Secretary determines that a different type of contract is in the best interest of the United States taxpayers.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that foreign countries that are counterparties to foreign military

sales may select a contracting vehicle that is not firm fixed-price. The conferees direct the Secretary of Defense to develop a process to determine the contracting preferences of foreign counterparties and to brief the Committees on Armed Services of the Senate and House of Representatives on the elements of the process no later than 6 months after enactment of this Act. The conferees further expect that the Secretary shall waive the requirement for firm fixed-price contracts only in exceptional cases. The conferees expect that the Department of Defense will not interfere in the process of the host nation selecting a contract type. If a contract type other than firm fixed-price is selected at the request of a country, the Secretary of Defense shall be prepared to notify Congress that the Department of Defense did not encourage the country in the decision to pursue that contract type. The amendment also would establish a pilot program to accelerate contracting of foreign military sales by allowing the Department of Defense to base price reasonableness determinations on actual cost and pricing data for purchases of the same product for the Department.

*Preference for performance-based contractual payments (sec. 831)*

The Senate bill contained a provision (sec. 829) that would amend section 2307(b) of title 10, United States Code, to establish a preference for performance-based payments to contractors and would re-establish the policy objective laid out in Federal Acquisition Regulation 32.1001, which established performance-based payments as the preferred Government financing mechanism.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that nothing in the provision authorizes the Defense Contract Audit Agency to perform audits of a contractor's compliance with Generally Accepted Accounting Principles.

*Contractor incentives to achieve savings and improve mission performance (sec. 832)*

The Senate bill contained a provision (sec. 829A) that would amend section 2332 of title 10, United States Code, to require the Defense Acquisition University to develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts not later than 180 days after the enactment of this Act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Defense Acquisition University to provide training on the use of contracting authorities that incentivize contractors to deliver additional savings to the government.

*Sunset and repeal of certain contracting provisions (sec. 833)*

The Senate bill contained a provision (sec. 829F) that would: (1) amend title 10, United States Code, to sunset sections 2212, 2220, 2228, 2304e, 2421 by September 30, 2018; (2) amend title 10, United States Code, to sunset section 1706 by September 30, 2019; and (3) repeal sections 2245a, 2225, 2302c, 2378, 2387 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would retain the reporting requirement in section 2212 of title 10, United States Code, which provides budget information on service contracting, as well as section 1706 of title 10, United States Code, which provides the Department of Defense with a list of acquisition positions considered inherently governmental.

*Flexibility in contracting award program (sec. 834)*

The Senate bill contained a provision (sec. 829G) that would establish an award to recognize defense acquisition programs and acquisition professionals that make the best use of flexibilities and those authorities granted in the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System) meant to increase the efficiency of programs.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the administrative burdens associated with the awards program.

*Protection of task order competition (sec. 835)*

The Senate bill contained a provision (sec. 819) that would amend section 2304(e) of title 10, United States Code, that would prohibit task and delivery order protests if the Secretary of Defense has appointed an ombudsman in accordance with section 2304(f) of title 10, United States Code, to review complaints related to task and delivery order contracts.

The House amendment contained a similar provision (sec. 1862) that would amend section 4106(f) of title 41, United States Code, to maintain a consistent approach to task-order protests between civilian and defense agencies.

The House recedes with an amendment that would permanently authorize protests of task and delivery orders with values exceeding \$10.0 million at civilian agencies. For protests of task and delivery orders of the Department of Defense, the amendment modifies section 2304(e)(1)(B) of title 10, United States Code, to increase the minimum value of a task or delivery order that may be protested from \$10.0 million to \$25.0 million.

*Contract closeout authority (sec. 836)*

The Senate bill contained a provision (sec. 829J) that would grant the Secretary of Defense the authority to close out contracts entered into prior to fiscal year 2000 without completing further reconciliation audits other than those described in this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would make a series of technical corrections to conform the language of this provision to similar provisions in this bill.

*Closeout of old Department of the Navy contracts (sec. 837)*

The Senate bill contained a provision (sec. 829K) that would grant the Secretary of the Navy authority to close out contracts entered into between fiscal years 1974 and 1998 to design, construct, repair, or support the construction or repair of Navy submarines without completing further reconciliation audits other than those described in this section.

The House amendment contained a similar provision (sec. 837).

The House recedes with an amendment that would make a series of technical corrections to conform the language of this provision to similar provisions in this bill.

*Subtitle D—Provisions Relating to Major Defense Acquisition Programs*

*Change in date of submission to Congress of Selected Acquisition Reports (sec. 841)*

The House amendment contained a provision (sec. 811) that would amend section 2342(f) of title 10, United States Code, by changing, from 45 to 10, the number of days after the President's budget request transmittal that comprehensive annual Selected Acquisition Reports are due to Congress.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the date when Selected Acquisition Reports are due to Congress.

*Amendments relating to independent cost estimation and cost analysis (sec. 842)*

The Senate bill contained a provision (sec. 803) that would amend section 2334 of title 10, United States Code, and would repeal section 2434 of title 10, United States Code, in order to remove the ambiguity concerning the roles and responsibilities for the conduct of independent cost estimates (ICEs) by designating the Director of Cost Assessment and Program Evaluation (CAPE) to ensure standards are met. The Senate bill also contained a provision (sec. 836) that would amend subsection (d) of section 2334 of title 10, United States Code, to remove the requirement for disclosure of confidence levels for baseline estimates of major defense acquisition programs.

The House amendment contained a similar provision (sec. 812) that would amend sections 2334 and 2434 of title 10, United States Code, to make clear that CAPE conducts or approves ICEs for all major defense acquisition programs and major automated information systems.

The Senate recedes with an amendment that would require an ICE for the technology maturation and risk reduction phase of a major defense acquisition program or major subprogram that identifies the key contributors to the life-cycle costs of the program or subprogram. The conferees expect that the procedures to be developed for collecting cost data from acquisition program contractors are cost effective and make use of existing sources of data, to the best extent practicable.

*Revisions to Milestone B determinations (sec. 843)*

The Senate bill contained a provision (sec. 835) that would amend section 2366b(a)(3) of title 10, United States Code to eliminate the need for waivers that are regularly submitted to the committee for programs that are executed at the beginning of the fiscal year but before the Future Years Defense Program (FYDP) has been submitted, and should receive Milestone B certification as long as there is funding in the current FYDP. This provision would reduce the number of required waivers and therefore reduce unnecessary staff burden.

The House amendment contained a similar provision (sec. 813).

The Senate recedes.

*Review and report on sustainment planning in the acquisition process (sec. 844)*

The House amendment contained a provision (sec. 814) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct an assessment of the extent to which sustainment matters are considered in decisions related to requirements, acquisition, cost estimating, and programming and budgeting for major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend and include additional elements in the review, such as an evaluation of how well life-cycle sustainment strategies required under section 2337 of title 10, United States Code, are incorporated into the acquisition strategy required by section 2431a of title 10, United States Code, and other acquisition planning.

*Revision to distribution of annual report on operational test and evaluation (sec. 845)*

The House amendment contained a provision (sec. 815) that would amend section 139

of title 10, United States Code, by including the Secretaries of the military departments in the list of people who receive the annual report of the Director of Operational Test and Evaluation (DOTE). The section would also extend the annual report through January 31, 2021.

The Senate bill contained no similar provision.

The Senate recesses.

The conferees recognize the importance in having an independent report each year on operational test and evaluation activities in the Department of Defense, but encourage the Director of Operational Test and Evaluation to seek and consider input from other Department test organizations in developing such reports. Further, the conferees believe that more rigorous developmental testing, realistic requirements, and disciplined systems engineering will likely improve operational test outcomes. The conferees expect program offices to take the necessary steps to improve operational test outcomes and adopt lessons learned and best practices that are identified in the DOTE annual report. The conferees note that these reports are public documents and available electronically to all interested parties.

*Repeal of major automated information systems provisions (sec. 846)*

The Senate bill contained a provision (sec. 831) that would repeal chapter 144A of title 10, United States Code.

The House amendment contained no similar provision.

The House recesses with an amendment that would sunset the requirements chapter 144A of title 10, United States Code, on September 30, 2017.

*Revisions to definition of major defense acquisition program (sec. 847)*

The Senate bill contained a provision (sec. 832) that would amend section 2430 of title 10, United States Code, and revise the definition of a major defense acquisition program to exclude fixed-price prototypes not planned as part of an existing major defense acquisition program and those programs or projects developed under the rapid fielding or rapid prototyping acquisition pathway authorized under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained no similar provision.

The House recesses with an amendment that would specify that major defense acquisition program costs exclude acquisition programs or projects that are carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

*Acquisition strategy (sec. 848)*

The Senate bill contained a provision (sec. 833) that would amend section 2431a of title 10, United States Code, to make technical changes and require that the acquisition strategy for each major defense acquisition program must also consider a comprehensive sustainment strategy that includes all aspects of the total life-cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, acquisition logistics, and all aspects of software sustainment.

The House amendment contained no similar provision.

The House recesses with an amendment that would remove the requirement to include a sustainment strategy within the acquisition strategy required under section 2431a of title 10, United States Code. The conferees note that section 2431a of title 10,

United States Code, requires logistics, maintenance, and sustainment issues to be considered in acquisition strategies, and that a life-cycle sustainment strategy is mandated under section 2337 of title 10, United States Code. Another provision in this Act requires an evaluation of the existing life-cycle sustainment strategy and an assessment of how well its elements are incorporated into the acquisition strategy in section 2431a of title 10, United States Code.

*Improved life-cycle cost control (sec. 849)*

The Senate bill contained a provision (sec. 834) that would make several amendments to improve life-cycle cost controls. First, this provision would amend section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to require rapid fielding guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics to include direction on a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs. Secondly, this provision would amend section 805(2) of the National Defense Authorization Act for Fiscal Year 2016 (NDAA) to include life-cycle cost management as a procedure that the Secretary of Defense should establish for alternative acquisition pathways to meet national security needs. Thirdly, this provision would amend section 833(e) of the NDAA for Fiscal Year 2016 to require the Secretary to also issue guidance on policies to maximize the use of fixed-price contracts and the ability to implement tradeoffs in total cost of ownership, schedule, and performance. Fourthly, this provision would add a new section to chapter 144 of title 10, United States Code, which would require sustainment reviews of acquisition programs 5 years after initial operational capability—unless the program has failed to maintain its availability or reliability threshold or has breached its affordability cap before that time. Additionally, this provision would require the Secretary of Defense to establish a commercial operational and support savings initiative to insert existing commercial items or technology into military legacy programs through rapid development and fielding of prototypes in order to improve readiness and reduce operations and support costs.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the military departments to conduct a sustainment review five years after declaration of initial operational capability of a major defense acquisition program and throughout the system's life cycle, using availability and reliability thresholds and cost estimates as the triggers that prompt such a review. The amendment also would clarify that sustainment reviews would be conducted in coordination with the requirements of section 2337 of title 10, United States Code, and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). The amendment also would authorize a commercial operational and support savings initiative.

*Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting (sec. 850)*

The Senate bill contained a provision (sec. 837) that would amend section 2430a(1)(B) of title 10, United States Code, to expand the authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms.

The House amendment contained no similar provision.

The House recesses.

*Reporting of small business participation on Department of Defense programs (sec. 851)*

The Senate bill contained a provision (sec. 838) that would amend chapter 137 of title 10, United States Code, to include a new section to include first and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs in the Department's overall count of small business goals.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Department of Defense to annually report on its attainment of the small business prime contracting goals and subcontracting goals as required by section 15(h) of the Small Business Act (15 United States Code 644(h)) and to report separately on its small business use after excluding certain types of contracts that may not be suitable for award to small businesses.

*Waiver of congressional notification for acquisition of tactical missiles and munitions greater than quantity specified in law (sec. 852)*

The Senate bill contained a provision (sec. 840) that would amend section 2308(c) of title 10, United States Code, to waive the requirement for the head of an agency to notify congressional defense committees of the decision to acquire a higher quantity of an end item for tactical missiles and munitions annual procurements.

The House amendment contained a similar provision (sec. 836) that would waive the requirement for the Secretary of Defense to notify the congressional defense committees of a decision, not later than 30 days after the date of the decision, to acquire a higher quantity of an end item (for tactical missiles and munitions annual procurements only) than is specified in law.

The Senate recesses.

*Multiple program multiyear contract pilot demonstration program (sec. 853)*

The Senate bill contained a provision (sec. 841) that would grant the Secretary of Defense the authority to conduct a multiyear contract for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies, and quality, in order to provide maximum benefit and significant savings to the Department of Defense.

The House amendment contained no similar provision.

The House recesses.

*Key performance parameter reduction pilot program (sec. 854)*

The Senate bill contained a provision (sec. 842) that would require the Secretary of Defense to enact a pilot program aimed at decreasing the number of Key Performance Parameters (KPPs) on acquisition programs. The Secretary would be required to select one acquisition program from each of the services to determine if limiting the number of KPPs to three, at the most, leads to operational or programmatic improvements of outcomes.

The House amendment contained no similar provision.

The House recesses with an amendment that would clarify the types of key performance parameters that may be reduced in the pilot program.

*Mission integration management (sec. 855)*

The Senate bill contained a provision (sec. 843) that would further enhance the Department of Defense's (DOD) efforts to adopt an open systems approach to defense acquisition. The provision would require the Secretary of Defense to implement modular open systems architecture in acquisition

programs in specified mission areas when implementing section 801 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The provision would require each multi-service and multi-program mission outlined in the provision to have a mission integration manager to act as the principal substantive advisor to the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff for all aspects of capability integration for the mission area.

The House amendment contained no similar provision.

The House recedes with an amendment that would incorporate into another section of this Act the requirement of the Senate provision (sec. 843) for the Department to ensure that external facing interfaces are identified and clearly and publicly characterized in terms of form, function, and the content that flows across to enable the creation of interoperable “systems of systems.” The conferees urge the Department to ensure that the standards bodies and processes, which are established to support modular open systems approaches, promote interfaces that are dynamically managed, flexible, and extensible to enable technological innovation and performance growth.

The amendment also would modify the Senate provision to provide flexibility to the Department of Defense in implementing mission integration activities, and to provide an alternative funding source for mission integration activities. The conferees urge the Department of Defense to propose its own funding mechanism in future budget requests.

#### Subtitle E—Provisions Relating to Acquisition Workforce

##### *Project management (sec. 861)*

The Senate bill contained a provision (sec. 851) that would outline the responsibilities of the Department of Defense under chapter 87 of title 10, United States Code, for improving program and project management. This provision would require that not later than 1 year after the enactment of this Act that the Secretary of Defense develop Department-wide standards, policies, and guidelines for program and project management.

The Senate bill also contained a provision (sec. 1097) that would amend section 503 of title 31, United States Code, and Chapter 11 of title 31, United States Code, to improve Federal program and project management in the Department of Defense.

The House amendment contained a similar provision (sec. 1098L).

The Senate recedes with an amendment that would clarify that all members of the Program Management Policy Council must be officers or employees of the Federal government or the armed services. This obviates the need to address the application of the Federal Advisory Committee (5 U.S.C. App.).

##### *Authority to waive tenure requirement for program managers for program definition and program execution periods (sec. 862)*

The Senate bill contained a provision (sec. 852) that would amend sections 826(e) and 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to harmonize the waiver authorities granted in these sections to the Service Acquisition Executive or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

The House amendment contained no similar provision.

The House recedes.

##### *Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used; advisory panel amendments (sec. 863)*

The Senate bill contained a provision (sec. 854) that would amend section 1705 of title 10,

United States Code, to expand the use of the Department of Defense Acquisition Workforce Development Fund. The provision would clarify that the fund could be used for the development of acquisition tools and methodologies and the undertaking of research and development of activities that could lead to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that the advisory panel on streamlining and codifying acquisition regulations that was established in section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is an independent advisory panel to be supported by the Defense Acquisition University and the National Defense University. The amendment would further clarify that, as an independent advisory panel, the panel has the hiring authorities provided in section 3161 of title 5, United States Code. The amendment also would limit the amount of funds that may be used in fiscal year 2017 for acquisition tools and methodologies and the undertaking of research and development to \$35.0 million.

##### *Department of Defense Acquisition Workforce Development Fund determination adjustment (sec. 864)*

The House amendment contained a provision (sec. 839) that would amend section 1705 of title 10, United States Code, to allow the Secretary of Defense to reduce the threshold amount that must be credited to the Defense Acquisition Workforce Development Fund during fiscal year 2017 from \$400.0 million to \$0. This section addresses an overfunding of the fund that has resulted from carryovers from prior years.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to transfer \$225.0 million from the Defense Acquisition Workforce Development Fund (DAWDF) in fiscal year 2017 to the Department's Rapid Prototyping Fund. The conferees also direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, not later than March 15, 2017, on the extent to which DAWDF funding is sufficient to meet acquisition workforce development requirements and on steps the Department has taken to improve the management and implementation of the DAWDF to avoid carryover funding. The conferees encourage the Department to make use of the expanded authorities for the use of the DAWDF to address workforce training and development of acquisition tools and practices to improve acquisition practice and outcomes.

It is the opinion of the conferees per section 1705 of title 10, United States Code, that the amounts transferred into the DAWDF from unobligated balances, as described in subsection 3, does not have a maximum limit each year. The \$500,000,000 limitation only applies to subsection 2 relating to credits for contract services. The conferees direct the Secretary of Defense to establish waivers to procedures regarding obligation and expenditure rates, applicability of standard financial management regulations, and other financial management procedures, as necessary, to ensure the most efficient and effective execution of projects supported by the Rapid Prototyping Fund. Specifically, the conferees direct the Secretary to establish procedures that provide relief from strict obligation and expenditure benchmarks and flexibility in using amounts in

the Fund consistent with a broad range of efforts under research, development, test and evaluation budget activities. The conferees believe that strict adherence to standard Department financial management procedures may negatively impact program execution and not enable the program to achieve its goals. The conferees direct the Secretary to notify the congressional defense committees within 30 days after any such procedures are waived.

##### *Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments (sec. 865)*

The Senate bill contained a provision (sec. 905) that would limit the amount of funds available for staff augmentation contracts at the Office of the Secretary of Defense and the headquarters of the military departments for fiscal years 2017 and 2018 to not more than the amount expended for those contracts in fiscal year 2016. The provision would further require a 25 percent reduction to the fiscal year 2016 funding for those contracts after fiscal year 2018.

The House amendment contained a provision (sec. 809A) that would extend the limitation on the aggregate annual amount available to the Department of Defense for contract services through fiscal year 2017.

The House recedes with an amendment that would limit the amount of funds available for staff augmentation contracts, as defined in the amendment, at the Office of the Secretary of Defense and the headquarters of the military departments for fiscal years 2017 and 2018 to not more than the amount expended for those contracts in fiscal year 2016 and would further require a 25 percent reduction to the fiscal year 2016 funding for those contracts in fiscal years 2018 through fiscal year 2022.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives, no later than February 1, 2017, on the plan to implement the requirements of this provision.

##### *Senior Military Acquisition Advisors in the Defense Acquisition Corps (sec. 866)*

The Senate bill contained a provision (sec. 592) that would add a new section 1725 to title 10, United States Code, to authorize the Secretary of Defense to establish in the Defense Acquisition Corps positions to be known as “Senior Military Acquisition Advisors”. Senior Military Acquisition Advisors would be appointed by the President, by and with the advice and consent of the Senate. Eligible officers include officers in the grade of colonel or captain in the Navy, with extensive defense acquisition experience, and who are eligible for retirement. Senior Military Acquisition Advisors would be authorized to remain in service in support of their Service Acquisition Executive and be assigned as an adjunct professor at the Defense Acquisition University.

Senior Military Acquisition Advisors would be competitively selected and would provide senior level acquisition expertise to the Service Acquisition Executive of their military department for the remainder of their career. An officer who is continued on active duty under this program is not eligible for consideration for selection for promotion. A Senior Military Acquisition Advisor will serve no longer than a 5-year term. When a Senior Military Acquisition Advisor retires with a minimum of 3 years of service, the officer may, at the discretion of the President, be retired as a brigadier general or rear admiral (lower half), but without increase in retired pay or other compensation by reason of retirement of an officer in the grade of brigadier general or rear admiral (lower half).

The House amendment contained no similar provision.

The House recedes.

*Authority of the Secretary of Defense under the acquisition demonstration project (sec. 867)*

The Senate bill contained a provision (sec. 1104) that would repeal section 1762 of title 10, United States Code, and create a new section 1763 of title 10, United States Code, to provide a permanent authority that would allow the Secretary of Defense to establish and adjust a special system of personnel programs for employees in the Department of Defense civilian acquisition workforce and supporting personnel assigned to work directly with that workforce.

The House amendment contained no similar provision.

The House recedes with an amendment that moves the administration of the Department of Defense acquisition workforce demonstration project from the Office of Personnel Management to the Department of Defense.

#### Subtitle F—Provisions Related to Commercial Items

*Market research for determination of price reasonableness in acquisition of commercial items (sec. 871)*

The House amendment contained a provision (sec. 822) that would amend section 2377 of title 10, United States Code, relating to the preference for acquisition of commercial items by adding a new subsection that would require procurement officials of the Department of Defense to conduct or obtain market research when determining price reasonableness for commercial items.

The Senate bill contained no similar provision.

The Senate recedes.

*Value analysis for the determination of price reasonableness (sec. 872)*

The House amendment contained a provision (sec. 823) that would amend section 2379(d) of title 10, United States Code, by adding a new paragraph that would allow contractors to submit information or analysis pertaining to the value of a commercial item when responding to solicitations. This section would also allow contracting officers to consider value analysis, in addition to historic pricing data, when determining price reasonableness for commercial items.

The Senate bill contained no similar provision.

The Senate recedes.

*Clarification of requirements relating to commercial item determinations (sec. 873)*

The House amendment contained a provision (sec. 824) that would amend section 2380 of title 10, United States Code, to expand Department of Defense centralized records relating to commercial item determinations to include market research and price reasonableness analysis. This section would also eliminate the requirement that such records be publicly accessible.

The Senate bill contained no similar provision.

The Senate recedes.

*Inapplicability of certain laws and regulations to the acquisition of commercial items and commercially available off-the-shelf items (sec. 874)*

The Senate bill contained a provision (sec. 861) that would amend section 2375 of title 10, United States Code, to require the establishment of a list in the Defense Federal Acquisition Regulation Supplement of inapplicable defense-unique statutes applicable to contracts for commercial items and commercially available off-the-shelf items.

The House amendment contained no similar provision.

The House recedes with an amendment that would exclude sections 2533a and 2533b of title 10, United States Code, from the applicability of this section.

*Use of commercial or non-Government standards in lieu of military specifications and standards (sec. 875)*

The Senate bill contained a provision (sec. 863) that would require the Secretary of Defense to ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that commercial or non-governmental specifications and standards should be used in lieu of military specifications and standards. The amendment also would require the Department of Defense to maintain an inventory of commercial and non-governmental standards licenses.

*Preference for commercial services (sec. 876)*

The Senate bill contained a provision (sec. 864) that would require the Secretary of Defense to issue guidance pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). This provision would ensure that no head of an agency would enter into a contract in excess of the simplified acquisition threshold for specified services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would require written determination that market research has been conducted prior to awarding a contract for facilities-related services, knowledge-based services (except engineering services), construction services, medical services, or transportation services that are not commercial services. For contracts over \$10 million, the service acquisition executive, the head of a defense agency, the combatant commander, or the Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the written determination. For contracts valued between the simplified acquisition threshold and \$10 million, the contracting officer shall provide the written determination.

The conferees direct the contracting officer to retain a copy of each written determination required by this provision in the relevant contract file.

*Treatment of commingled items purchased by contractors as commercial items (sec. 877)*

The Senate bill contained a provision (sec. 865) that would add a new section to chapter 140 of title 10, United States Code, to treat the purchase of items valued at less than \$10,000 prior to the release of a government request for proposal as a commercial item.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that items procured by any contractor for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract should be treated as commercial items.

*Treatment of services provided by nontraditional contractors as commercial items (sec. 878)*

The Senate bill contained a provision (sec. 866) that would amend section 2380A of title

10, United States Code, to treat business units of nontraditional contractors that offer services as a commercial item, if the business unit uses the same personnel and similar pricing as offered to commercial customers.

The House amendment contained no similar provision.

The House recedes.

*Defense pilot program for authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures (sec. 879)*

The Senate bill contained a provision (sec. 868) that would grant the Secretary of Defense the authority to carry out a pilot program to acquire innovative commercial items on a fixed-price basis using general solicitation competitive procedures and a peer review of such proposals.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to issue public guidance for the implementation of the pilot provision, requires congressional notification for the award of any contract exceeding \$100.0 million using the authority, and modifies the definition of "innovative".

*Pilot programs for authority to acquire innovative commercial items using general solicitation competitive procedures (sec. 880)*

The House amendment contained a provision (sec. 825) that would allow the Secretary of Defense to carry out a pilot program under which innovative commercial items may be acquired through a competitive selection of proposals, resulting from a general solicitation and the peer review of such proposals.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the authority to apply to the Department of Homeland Security and the General Services Administration, add a total annual limitation to the authority, reduce the reporting required to the congressional committees, modifies the definition of "innovative", and extends the termination date of the authority to September 30, 2022.

#### Subtitle G—Industrial Base Matters

*Greater integration of the national technology industrial base (sec. 881)*

The Senate bill contained a provision (sec. 871) that would require the Secretary of Defense to develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technology Industrial Base and expand the definition in section 2500(1) of title 10, United States Code to include the United Kingdom and Australia.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical changes.

*Integration of civil and military roles in attaining national technology and industrial base objectives (sec. 882)*

The Senate bill contained a provision (sec. 872) that would amend section 2501(b) of title 10, United States Code, to ensure that the Secretary of Defense when meeting the national security strategy for the national technology and industrial base shall engage in acquisition reform efforts that: (1) rely, to the maximum extent practicable, upon the commercial national technology and industrial base that is required to meet the national security needs of the United States; (2) reduce the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on

Department of Defense business; and (3) reduce Federal Government barriers to the use of commercial products, processes, and standards.

The House amendment contained no similar provision.

The House recesses.

*Pilot program for distribution support and services for weapon systems contractors (sec. 883)*

The Senate bill contained a provision (sec. 873) that would grant permissive authority to the Secretary of Defense to make available storage and distribution services support to a contractor in support of the performance by the contractor of a contract for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment that would remove the permanent authority and grant permissive authority to the Secretary of Defense to establish a six-year pilot program with a report to be delivered in the fourth year of the pilot program outlining the cost effectiveness for both government and industry as well as any performance enhancements, and recommendations on whether to make the authority permanent, and a review to be conducted by the Comptroller General of the United States during the fifth year to inform the potential extension or permanent authorization of the program.

*Nontraditional and small contractor innovation prototyping program (sec. 884)*

The Senate bill contained a provision (sec. 876) that would establish a pilot program for nontraditional contractors and small businesses to prototype disruptive solutions that demonstrate new capabilities that could provide alternatives to existing acquisition programs and assets.

The House amendment contained no similar provision.

The House recesses with an amendment that would add the Missile Defense Agency and protection against hypersonic weapons to the pilot program.

#### Subtitle H—Other Matters

*Report on bid protests (sec. 885)*

The Senate bill contained a provision (sec. 821) that would amend chapter 137 of title 10, United States Code, to add a new section to outline the role of the Government Accountability Office (GAO) in bid protests on certain contracts with the Department of Defense. The provision would require a large contractor filing a bid protest on a defense contract with GAO to cover the cost of processing the protest if all of the elements in the protest are denied in an opinion issued by GAO. The provision would also impose a withhold on payments above incurred costs on any bridge or temporary contract to an incumbent contractor who submits a protest and that protest results in the issuance of a bridge or temporary contract. The distribution of this withhold would be dependent on the outcome of the protest.

The House amendment contained a similar provision (sec. 831) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct a review of the bid protest process related to major defense acquisition programs.

The Senate recesses with an amendment that expands the scope of the report to look at ways that the possibility of bid protests may influence behavior by contracting officers and by contractors. The report shall be due 1 year after the date of enactment of this Act.

*Review and report on indefinite delivery contracts (sec. 886)*

The House amendment contained a provision (sec. 832) that would require the Comptroller General of the United States to review the use of indefinite delivery type contracts by the Department of Defense during fiscal years 2015, 2016, and 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would require the review to include an assessment of Department of Defense guidance for entering into indefinite delivery contracts and for the number of vendors that should receive multiple award contracts, as well as the number and value of indefinite delivery contracts entered into with a single vendor.

*Review and report on contractual flow-down provisions (sec. 887)*

The House amendment contained a provision (sec. 833) that would require the Secretary of Defense to enter into a contract with an independent entity with appropriate expertise to conduct a review of contractual flow-down provisions related to major defense acquisition programs.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would expand the types of contractors and suppliers to be included in the required review. The conferees direct the Secretary of Defense or his designee to brief the Committees on Armed Services of the Senate and the House of Representatives on the interim findings and initial recommendations from the review not later than April 1, 2017.

*Requirement and review relating to use of brand names or brand-name or equivalent descriptions in solicitations (sec. 888)*

The Senate bill contained a provision (sec. 829E) that would require the Secretary of Defense to ensure that Department of Defense contract language does not specify a brand name in solicitations unless justification for such a specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

The House amendment contained a similar provision (sec. 834) that would require a review of specifications in information technology acquisitions to increase competition and a review of brand names and specifications for acquisitions of goods and services.

The House recesses with an amendment that would add a review of the policy, guidance, regulations, and training related to specifications included in information technology acquisitions to ensure current policies eliminate the unjustified use of potentially anti-competitive specifications.

*Inclusion of information on common grounds for sustaining bid protests in annual Government Accountability Office reports to Congress (sec. 889)*

The House amendment contained a provision (sec. 845) that would require the Comptroller General of the United States to include in his annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during the preceding year.

The Senate bill contained no similar provision.

The Senate recesses.

*Study and report on contracts awarded to minority-owned and women-owned businesses (sec. 890)*

The House amendment contained a provision (sec. 848) that would require the Comptroller General of the United States to perform a study on the number and types of

contracts for the procurement of goods or services for the Department of Defense awarded to minority-owned and women-owned businesses during fiscal years 2010 through 2015. The report would be due to the congressional defense committees no later than 1 year after the enactment date of this Act.

The Senate bill contained no similar provision.

The Senate recesses.

*Authority to provide reimbursable auditing services to certain non-Defense Agencies (sec. 891)*

The Senate bill contained a provision (sec. 892) that would amend section 893 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114—92) to provide an exception for the Defense Contract Audit Agency to provide audit support to the National Nuclear Security Administration on a reimbursable basis.

The House amendment contained a similar provision (sec. 840).

The House recesses.

*Selection of service providers for auditing services and audit readiness services (sec. 892)*

The House amendment contained a provision that would require the Department of Defense to select service providers for auditing services and audit readiness services based on the best value to the Department rather than based on the lowest price technically acceptable service provider.

The Senate bill contained no similar provision.

The Senate recesses.

*Amendments to contractor business system requirements (sec. 893)*

The Senate bill contained a provision (sec. 891) that would amend chapter 137 of title 10, United States Code, to add a new section that would require the Secretary of Defense to develop and initiate a program to improve contractor business systems. The provision would clarify that this program would only apply to those contractors that do more than 30 percent of their business with the federal government and more than 1 percent of their business under cost-type contracts.

The House amendment contained no similar provision.

The House recesses with an amendment that would require the Department of Defense to identify and make public clear business system requirements, allow contractors to submit certification from their third-party independent auditors that their business systems conform to the Department's business system requirements, and allow a milestone decision authority to require further auditing of business systems to manage contractual risk. The amendment would also specify that business system requirements only apply to contractors that have covered contracts with the United States Government accounting for greater than 1 percent of their total gross revenue and that are not subject to full cost accounting standards pursuant to either section 1502 of title 41, United States Code, or regulations implementing section 1502 of title 41, United States Code.

*Improved management practices to reduce cost and improve performance of certain Department of Defense organizations (sec. 894)*

The Senate bill contained a provision (sec. 893) that would require all Department of Defense entities, with the exception of the Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, which conduct commercial or non-inherently governmental work to establish cost baselines for their operations and begin to adopt best commercial and business management practices to reduce costs and improve the performance of such organizations.

The House amendment contained no similar provision.

The House recedes.

*Exemption from requirement for capital planning and investment control for information technology equipment included as integral part of a weapon or weapon system (sec. 895)*

The Senate bill contained a provision (sec. 895) that would require that the milestone decision authority shall only apply the requirements of paragraphs (2) through (5) of section 11312(b) of title 40, United States Code, to national security systems upon a written determination that the application of these requirements is appropriate and in the best interests of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

*Modifications to pilot program for streamlining awards for innovative technology projects (sec. 896)*

The Senate bill contained a provision (sec. 896) that would amend section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to clarify that the use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section are competitive procedures for the purposes of chapter 137 of title 10, United States Code. The provision would also direct the Secretary of Defense to establish procedures under which a small business or a nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would include auditing officials in the list of personnel who are provided guidance and training on the flexible use and tailoring of authorities under the pilot program.

*Rapid prototyping funds for the military departments (sec. 897)*

The Senate bill contained a provision (sec. 899A) that would amend section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to authorize the Secretary of the Army, Navy, and Air Force each to establish service-specific funds for acquisition programs under the rapid fielding and prototyping pathways established in this section.

The House amendment contained no similar provision.

The House recedes.

*Establishment of Panel on Department of Defense and AbilityOne Contracting Oversight, Accountability, and Integrity; Defense Acquisition University training (sec. 898)*

The Senate bill contained a provision (sec. 829H) that would prohibit the Secretary of Defense from arranging contracts through AbilityOne, or its central non-profit agency, SourceAmerica, and instead require the Secretary to contract directly with qualified nonprofit agencies for the severely disabled until the Department of Defense (DOD) Inspector General conducted a review and certified the effectiveness of the internal controls and financial management of AbilityOne and SourceAmerica.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish a panel on DOD and AbilityOne contracting oversight, accountability, and integrity to review and address

the effectiveness and internal controls of the program related to DOD contracts.

*Coast Guard major acquisition programs (sec. 899)*

The House amendment contained a provision (sec. 835) that would amend section 56(c) of title 14, United States Code, to direct the Chief Acquisitions Officer of the Coast Guard to inform the Commandant of developments in major acquisition programs that have new or revisited trade-offs between costs, scheduling, feasibility, and performance. This section also would amend chapter 15 of title 14, United States Code, to clarify the role of the Acquisition Directorate in ensuring that the needs of customers in major acquisition programs are met in the most cost-effective manner practicable. The Vice Commandant of the Coast Guard would be responsible for representing the operating field units and would serve an advisory role to the Commandant for major acquisition programs. The customer of a major acquisition program would be specified as the operating field unit that would field the acquired system and "major acquisition program" would be defined as a program with a life-cycle cost estimate of \$300.0 million or more.

This section also would prohibit the Commandant of the Coast Guard from awarding a contract for the design of an unmanned aerial system (UAS) for use by the Coast Guard, and would require the Commandant to use and operate only UASs that have already been acquired by either the Department of Defense or the Department of Homeland Security.

This section also would allow the Coast Guard to extend major acquisition program contracts if the Comptroller General of the United States finds that extending a current contract would be more cost effective than awarding a new contract. The Comptroller General would determine the costs for acquiring additional vessels under an existing contract, as well as the incurred costs due to schedule delays and asset design changes that would result from awarding a new contract.

This section also would require the Commandant to review all authorities provided under chapter 15 of title 14, United States Code, and other relevant statutes and deliver a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on how the Commandant can play a more appropriate role in the acquisition process with regard to policies, requirements, and implementing a more customer-oriented acquisition system.

This section also would require the Secretary for the department in which the Coast Guard is operating to submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on an analysis of multiyear procurement authorities for the procurement of at least five Fast Response Cutters (beginning with hull 43) and Offshore Patrol Cutters (beginning with hull 5). The report would include an assessment of costs and benefits, impact on delivery times, and whether acquisitions would meet the four-part test under section 2306b of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Coast Guard to acquire unmanned aerial systems that have been previously funded by the Departments of Defense or Homeland Security. The amendment would also require the Cost Analysis Division of the Department of Homeland Security

to determine if contracts for procurement of additional units under an existing Coast Guard major acquisition program contract would be cost effective.

*Enhanced authority to acquire products and services produced in Africa in support of covered activities (sec. 899A)*

The Senate bill contained a provision (sec. 885) that would grant the Secretary of Defense authority to make a determination to limit competition or provide a preference for products and services produced in areas where the United States has long-term agreements with host nations in the African region.

The House amendment contained no similar provision.

The House recedes with an amendment that would provide for an exemption from preferred local procurement for items included on the procurement list described in section 8503(a) of title 41, United States Code, if such a good can be produced and delivered by a qualified non-profit agency for the blind or a non-profit agency for other severely disabled in a timely fashion to support mission requirements.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Revision to authorities relating to Department of Defense Test Resource Management Center*

The House amendment contained a provision (sec. 801) that would limit application of existing law to the Major Range and Test Facility Base and those test and evaluation facilities that are used to support the acquisition programs of the Department of Defense. The provision would align the statute to the original enactment of the law and would prevent reporting requirements from being broadened to small laboratory and educational test and evaluation facilities. The provision would also define the term "significant change" in test and evaluation facilities.

The Senate bill contained no similar provision.

The House recedes.

*Repeal of temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by contractors*

The Senate bill contained a provision (sec. 806) that would repeal section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House amendment contained no similar provision.

The Senate recedes.

*Requirement for policies and standard checklist in procurement of services*

The House amendment contained a provision (sec. 809) that would establish a procurement policy checklist to ensure accountability in the acquisition of services.

The Senate bill contained no similar provision.

The House recedes.

*Non-traditional contractor definition*

The Senate bill contained a provision (sec. 817) that would amend section 2302(9) of title 10, United States Code, to clarify the definition of a non-traditional contractor.

The House amendment contained no similar provision.

The Senate recedes.

*Revision to definition of commercial item*

The House amendment contained a provision (sec. 821) that would amend section 103 of title 41, United States Code, to expand the types of nondevelopmental items that may be considered commercial items to include items that the procuring agency determines were developed at private expense and sold

in substantial quantities on a competitive basis to foreign governments.

The Senate bill contained no similar provision.

The House recedes.

*Government Accountability Office bid protest reforms*

The Senate bill contained a provision (sec. 821) that would amend chapter 137 of title 10, United States Code, to add a new section to outline the role of the Government Accountability Office in bid protests on certain contracts with the Department of Defense.

The House amendment contained no similar provision.

The Senate recedes.

*Penalties for the use of cost-type contracts*

The Senate bill contained a provision (sec. 826) that would require the secretary of each military department and the head of each of the defense agencies to pay a penalty for the use of cost-type contracts in certain cases that are awarded in fiscal year 2018 through fiscal year 2021.

The House amendment contained no similar provision.

The Senate recedes.

*Nonapplicability of certain executive order to Department of Defense and National Nuclear Security Administration*

The Senate bill contained a provision (sec. 829D) that would limit the application of the acquisition regulations mandated by Executive Order 13673 to contractors or subcontractors of the Department of Defense that have been suspended or debarred as a result of the federal labor law violations referenced in the Executive Order in effect on May 28, 2015.

The House amendment contained a similar provision (sec. 1095) that would exempt the Department of Defense and the National Nuclear Security Administration from implementation of Executive Order 13673.

The conference agreement does not include either provision.

*Requirement that certain ship components be manufactured in the national technology and industrial base*

The House amendment contained a provision (sec. 838) that would amend section 2534 of title 10, United States Code, and would require certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base.

The Senate bill contained no similar provision.

The House recedes.

*Use of economy-wide inflation index to calculate percentage increase in unit costs*

The Senate bill contained a provision (sec. 839) that would amend section 2433(f) of title 10, United States Code, to require that unit costs be calculated in constant dollars with an economy-wide inflation index, such as the Gross Domestic Product Price Index.

The House amendment contained no similar provision.

The Senate recedes.

*Modifications to the justification and approval process for certain sole-source contracts for small business concerns*

The House amendment contained a provision (sec. 842) that would repeal section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) and establish a standard justification and approval process for sole-source contracts valued at \$20.0 million or greater.

The Senate bill contained no similar provision.

The House recedes.

*Briefing on design-build construction process for defense contracts*

The House amendment contained a provision (sec. 843) that would require the Sec-

retary of Defense to provide the Committee on Armed Services of the House of Representatives with a briefing on the use and implementation of the two-phase design-build selection procedures. The briefing would include: plans to implement the updates to the Federal Acquisition Regulation that amended section 2305a, title 10, United States Code; a list of awards for design-build contracts pursuant to 2305a of title 10, United States Code, that had more than five finalists; feedback from industry; and any challenges to the implementation of this amended statute.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, not later than March 1, 2017, to provide the congressional defense committees with a briefing on the use and implementation of the two-phase design-build selection procedures. The briefing should include how the Department of Defense continues to implement the updates to the Federal Acquisition Regulation that implemented the 2015 amendments to section 2305a, title 10, United States Code, a list of instances in which the Department awarded a design-build contract pursuant to section 2305a of title 10, United States Code, that had more than five finalists for phase-two requests for proposals during fiscal year 2016, and the list of design-build requests for proposals that used a one-step process, any feedback the Department has received from industry on the Department's design-build selection procedure, and any challenges to the implementation of the statute.

*Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance*

The House amendment contained a provision (sec. 844) that would prohibit any Department of Defense functions performed by civilian employees tied to a military base to be converted to performance by contractors until an assessment is conducted to determine if the Department has sufficiently carried out outreach programs to assist small business concerns owned and controlled by women or socially and economically disadvantaged individuals located near a military base.

The Senate bill contained no similar provision.

The House recedes.

*Enhanced use of data analytics to improve acquisition program outcomes*

The Senate bill contained a provision (sec. 853) that that would mandate the establishment of activities to promote the use of data analytics and other evaluation-related methods to support acquisition decision-making and enhance organizational learning.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note a widespread recognition that the Department of Defense (DOD) does not sufficiently incorporate data into its acquisition-related learning and decision-making. Many major policy decisions are made without the benefit of being informed by substantive data. These policies are sometimes based on assumptions, and program reviews do not always sufficiently incorporate relevant data against which to evaluate success. The conferees note that the Government Accountability Office reported in 2015 that DOD officials responsible for acquisitions and developing requirements lacked access to data and the analytical tools necessary to conduct effective reviews.

The conferees believe that data analysis and other evaluation-related methods are a

critical element in making well-informed acquisition decisions and managing programs. As the Congressional Research Service noted, a lack of data or effective data analyses can lead to incorrect or misleading conclusions. The result may be policies that squander resources, waste taxpayer dollars, and undermine the effectiveness of government programs or military operations.

The conferees believe that one important aspect of enhancing the use of data analytics in acquisitions is for DOD to improve data sharing both within its programs and organizations, and where appropriate outside the Department. Sharing data externally includes publishing, to the maximum extent practicable, and in a manner that protects classified and proprietary information, data collected by the Department that is related to acquisition program costs and activities. Effectively sharing such data would allow industry, academia, think tanks, and the public to develop analyses of trends, lessons learned, best practices, and new analytical methods and tools for decision-making. To this end, the conferees encourage the Department to fund intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes, possibly through leveraging the authorities of the Defense Acquisition Workforce Development Fund.

Therefore, the conferees direct the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, to assess the effectiveness of current activities and policies related to the use of data analysis, measurement, and other evaluation-related methods to the planning, implementation, and management of acquisition programs and the improvement of acquisition outcomes in the Department of Defense. The activities to be assessed should include data analytics capabilities and organizations within the military services; capabilities in Department of Defense laboratories, test centers, and Federally Funded Research and Development Centers to provide technical support for data analytics; and the use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

Further, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private-sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions, and how these efforts can be used by the acquisition workforce to perform their missions.

The conferees direct the Secretary of Defense, not later than 1 year after the date of the enactment of this Act, to brief the Armed Services Committees of the Senate and House of Representatives on the use of data analysis, measurement, and other evaluation-related methods in DOD acquisition programs. The briefing shall address the extent to which data analytics capabilities have been implemented within the military services, DOD laboratories, test centers, and Federally Funded Research and Development Centers to provide technical support for acquisition program management; the potential to increase the use of analytical capabilities for acquisition programs and offices to improve acquisition outcomes; the amount of funding for intramural and extramural research and development activities

to develop and implement data analytics capabilities in support of improved acquisition outcomes; any potential improvements, based on private-sector best practices, in the efficiency of current data collection and analysis processes that could minimize collection and delivery of data by, from, and to government organizations; steps being taken to appropriately expose acquisition data in an anonymized fashion to researchers and analysts; and an assessment of whether the curriculum at the National Defense University, the Defense Acquisition University, and appropriate private-sector academic institutions includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

*Department of Defense exemptions from certain regulations*

The Senate bill contained a provision (sec. 862) that would exempt purchases of commercial off-the-shelf items by the Department of Defense from certain Executive Orders and give the Secretary of Defense waiver authority for other purchases.

The House amendment contained no similar provision.

The Senate recedes.

*Use of non-cost type contracts to acquire commercial items*

The Senate bill contained a provision (sec. 867) that would amend section 2377 of title 10, United States Code, to require that the Defense Federal Acquisition Regulation Supplement include guidance that firm fixed-price contracts, fixed-price incentive contracts, or fixed-price with economic price adjustment contracts be used to the maximum extent practicable for the acquisition of commercial items. Additionally, this provision would prohibit the use of cost-type contracts for commercial items.

The House amendment contained no similar provision.

The Senate recedes.

*Modified requirements for distribution of assistance under procurement technical assistance cooperative agreements*

The Senate bill contained a provision (sec. 875) that would amend section 2413(c) of title 10, United States Code, to conform the Procurement Technical Assistance Program with the Defense Logistics Agency current practice of using states as the geographic basis for cooperative agreement awards.

The House amendment contained no similar provision.

The Senate recedes.

The conferees agree that the current formula for distribution of grants to procurement technical assistance centers (PTACs) should be adjusted to address that the Department of Defense has consolidated its contract administration services districts, which are currently the basis for grant distribution pursuant to section 2413 of title 10, United States Code. However, the conferees believe that a successful funding formula should consider factors such as avoiding the discontinuation of services to existing clients of PTACs, the desirability of adding new PTACs or expanding the client base of existing PTACs, the population density, geographic accessibility of PTACs, duplication of services, the level of success obtained by particular grant recipients, the availability of funds, and other possible factors. Therefore, the conferees direct the Department to provide recommendations on appropriate factors and a funding formula. To develop these recommendations, the Department shall, at a minimum, work in consultation with current grantees and their representatives and examine comparable grant programs operated by other agencies. Such pro-

grams could include the Small Business Development Centers, Women's Business Centers, and Veterans Business Outreach Centers of the Small Business Administration or the Business Centers of the Minority Business Development Agency of the Department of Commerce. The Department's recommendations shall be provided no later than March 1, 2017.

*Working capital fund for precision guided munitions exports in support of contingency operations*

The Senate bill contained a provision (sec. 882) that would authorize the Secretary of Defense to establish a working capital fund to finance inventories of supplies of precision guided munitions in advance of partner and allied forces requirements to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

The House amendment contained no similar provision.

The Senate recedes.

*Director of Developmental Test and Evaluation*

The Senate bill contained a provision (sec. 894) that would amend section 139 of title 10, United States Code, and section 196(g) of title 10, United States Code, that would refine the role of the Director of Operational Test and Evaluation.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that Congress re-established a developmental test and evaluation organization within the defense research and engineering enterprise in 2009. Since that time, the conferees have become concerned that the Department has not established a reasonable balance of investment between developmental and operational test activities. The conferees believe it is necessary to examine the functions and resources of the organizations of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DT&E) and the Director of Operational Test and Evaluation to better understand if the Department has struck the right balance between these activities. To improve test and evaluation results for the Department's acquisition programs in the most efficient manner, the Department's leadership must ensure sufficient resources to support testing and oversight activities.

The conferees note that, over time, the resources and influence of the Office of the Secretary of Defense and the Service developmental test and evaluation organizations have declined, adversely impacting the successful outcomes of acquisition efforts. However, the conferees believe that this decline should be re-examined in light of the need for stronger developmental test organizations to support department-wide efforts to promote technical innovation and re-establish battlefield technological superiority. As a result, the conferees believe it would be useful for the Department of Defense to review the resources allocated to developmental and operational test and evaluation organizations to address a number of issues and questions.

The conferees direct the Secretary of Defense to form an independent study panel, unaffiliated with a Federally Funded Research and Development Center, to review the appropriate roles, responsibilities, and level of resources for both developmental and operational test and evaluation activities required to execute statutory and regulatory responsibilities within the Office of the Secretary of Defense. The panel will develop such recommendations as it believes appropriate for optimal resources and authorities to support developmental and operational test missions. The review and report

should be completed no later than 1 year after the enactment of this Act.

The committee recommends that the panel address the following questions:

(a) How can the Director of Operational Test and Evaluation and the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD DT&E) at the Office of the Secretary of Defense approach oversight within the system development cycle to avoid overlap but be mutually supporting without sacrificing the independence of either organization?

(b) Does participation with and assessment of program progress during phases prior to operational test and evaluation bias the independent objectivity of the operational test and evaluation organization?

(c) Are there specific test and evaluation activities that should be realigned for management within OSD or the services to promote effectiveness and efficiency of those programs?

(d) Overall are the developmental and operational test and evaluation organizations effectively carrying out the missions as described in title 10, United States Code, and are there impediments to meeting those responsibilities? In addition, are they engaged in activities outside their mission areas?

(e) Are the activities of the test and evaluation organizations constructive, not duplicative or disruptive, to support the acquisition goals of the military departments and defense agencies?

(f) What staffing authorities and other resources are needed to support effective and efficient oversight of both the developmental and operational phases of testing commensurate with the effort to each relative to the portion of the programs that their oversight entails?

*Improved transparency and oversight over Department of Defense research, development, test, and evaluation efforts and procurement activities related to medical research*

The Senate bill contained a provision (sec. 898) that would prohibit the Secretary of Defense from entering into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless additional cost accounting and other specified requirements were implemented.

The House amendment contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

*Organization of the Office of the Secretary of Defense (sec. 901)*

The Senate bill contained a provision (sec. 901) that would amend section 133 of title 10, United States Code, to establish the position of the Under Secretary of Defense for Research and Engineering, amend section 138 of title 10, United States Code, to establish and consolidate certain Assistant Secretary of Defense positions, and make other conforming changes. The provision would also amend section 132a of title 10, United States Code, to redesignate the Under Secretary of Defense for Business Management and Information as the Under Secretary of Defense for Management and Support.

The House amendment contained a provision (sec. 846) that would revise the effective date for amendments relating to the conversion of the position of the Deputy Chief Management Officer to the position of the Under Secretary of Defense for Business Management and Information.

The House recedes with an amendment that would amend chapter 4 of title 10, United States Code, to establish an Under Secretary of Defense for Research and Engineering, an Under Secretary of Defense for Acquisition and Sustainment, and a chief management officer within the Department of Defense, effective on February 1, 2018. The amendment would make other modifying and conforming changes, and require the Secretary of Defense to conduct a review and submit a report to the congressional defense committees on the organizational and management structure for the Department.

Three broad priorities framed the conference discussions: (1) elevate the mission of advancing technology and innovation within the Department; (2) foster distinct technology and acquisition cultures to better deliver superior capabilities for the armed forces; and (3) provide greater oversight and management of the Department's Fourth Estate. The conferees believe that separating the "chief technology officer" and "chief acquisition officer" responsibilities currently residing with the Under Secretary of Defense for Acquisition, Technology, and Logistics, as well as establishing a "chief management officer" within the Department, addresses these priorities and better postures the Office of the Secretary of Defense organizationally to meet future national security challenges.

The conferees believe the technology and acquisition missions and cultures are distinct. The conferees expect that the Under Secretary of Defense for Research and Engineering would take risks, press the technology envelope, test and experiment, and have the latitude to fail, as appropriate. Whereas the conferees would expect the Under Secretary of Defense for Acquisition and Sustainment to focus on timely, cost-effective delivery and sustainment of products and services, and thus seek to minimize any risks to that objective.

Some will argue that the agreement exacerbates the technology "valley of death." The conferees acknowledge that there will be seams in any organizational construct, but also believe that this seam creates a healthy tension that can be mitigated through effective leadership and management. As an Under Secretary, third in precedence, the conferees expect that the "chief technology officer" would have the stature and resources to drive innovation throughout the Department, including as needed through development and implementation of innovative policies and practices. At the same time, the conferees would expect the Under Secretary of Defense for Acquisition and Sustainment to challenge any advanced technology ideas that the Under Secretary cannot confidently deliver on within cost, schedule, and performance objectives, and shape those efforts appropriately.

The conferees recognize that the implementation of this provision will require further examination and analysis, to include a deeper review of authorities, responsibilities, resource implications, and the appropriate allocation of subordinate positions and organizations. As such, the provision provides policy guidance on roles and responsibilities for each of the three senior leadership positions and repeals requirements in statute for specific subordinate assistant and deputy assistant secretaries of defense to provide flexibility to the Department to allocate such subordinate positions to best meet congressional policy guidance.

The conferees believe a review of authorities is particularly important, especially as they relate to any direction and supervisory authorities vested in the three senior leadership positions, to allow those senior leaders to effectively oversee and manage activities

and resources within their portfolios at the direction of the Secretary of Defense. Similarly, the conferees believe an in-depth examination of the placement within the Department and the responsibilities of the chief management officer is also warranted, as they believe such an officer could provide greater oversight and management of the non-homogenous organizations that comprise the Department's Fourth Estate. The conferees also believe an examination of the potential for the establishment of a Chief Innovation Officer position, informed by best private sector practices, is warranted.

The conferees set a date of February 1, 2018, for the implementation of the three senior leadership positions, to provide the Department with time to conduct the required review, to engage the congressional defense committees, and to provide its recommendations on an organization and management structure for the Department. However, the conferees encourage the President to move out earlier on nominations for these senior leadership positions.

Lastly, while the focus of this provision is on the Office of the Secretary of Defense, the conferees also recognize that the Department as a whole must be examined to provide the organizational and management agility and adaptability necessary to address longer-term national security challenges.

*Responsibilities and reporting of the Chief Information Officer of the Department of Defense (sec. 902)*

The Senate bill contained a provision (sec. 903) that would amend paragraph 8 of section 132(b) of title 10, United States Code, to establish the position of the Assistant Secretary of Defense for Information.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify in sections 131 and 142 of title 10, United States Code, the responsibilities of the Chief Information Officer of the Department of Defense.

The conferees direct the Secretary of Defense to develop a plan within 180 days after the enactment of this Act to implement a more optimized organizational structure and processes to support information management and cyber operations to include the policy, direction, oversight and acquisition functions performed by the Deputy Chief Management Officer, the Chief Information Officer, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Under Secretary for Policy, and the Under Secretary for Intelligence and any other relevant entity in the Department of Defense. This plan should include both business systems and national security systems and explore the responsibilities for cyber and space policy, information network defense, and the development of policies and standards governing information technology systems and related information security activities of the Department. This plan should also assess the effectiveness and utility of the cross functional team supporting the Principal Cyber Advisor established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

*Maximum number of personnel in Office of the Secretary of Defense and other Department of Defense headquarters offices (sec. 903)*

The Senate bill contained a provision (sec. 904) that would:

(1) amend section 143 of title 10, United States Code, to limit the number of civilian and detailed individuals authorized to be assigned to the Office of the Secretary of Defense to 3,767;

(2) amend section 155 of title 10, to limit the number of personnel on the Joint Staff to 1,930 including not more than 1,500 Active-Duty service members;

(3) amend section 3014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army staff to 3,105; and to reduce the total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army staff from 67 to 50.

(4) amend section 5014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Navy assigned or detailed to permanent duty in the Office of the Secretary of the Navy and on the Navy staff to 2,866; and to reduce the total number of flag officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy and on the Navy staff from 67 to 50.

(5) amend section 8014 of title 10, to limit the total number of members of the Armed Forces and civilian employees of the Department of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Force staff to 2,639; and to reduce the total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Force staff from 60 to 45.

The provision would further clarify the exceptions to the personnel limits. It would allow the limits to be increased by 15 percent during a national emergency.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the number of civilians assigned or detailed to the headquarters operations, establish a 2,069 personnel limit for the Joint Staff, and clarify that the exceptions to the personnel limits allow an additional 15 percent during national emergencies.

*Repeal of Financial Management Modernization Executive Committee (sec. 904)*

The Senate bill contained a provision that would repeal section 185 of title 10, United States Code, regarding the Department of Defense Financial Management Modernization Executive Committee.

The House amendment contained no similar provision.

The House recedes.

Subtitle B—Organization and Management of the Department of Defense Generally

*Organizational Strategy for the Department of Defense (sec. 911)*

The Senate bill contained a provision (sec. 941) that would require the Secretary of Defense to develop and implement an organizational strategy for the Department of Defense (DOD).

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) streamline and condense the organizational strategy required from the Secretary; (2) substantially enhance the requirement for an independent study of private sector and government experience with cross-functional teams (CFTs), and the use of cross-functional groups by the Department of Defense, to inform the Secretary's implementation of CFTs and the cultural changes needed for their success; (3) lengthen and rationalize the timelines for the next Secretary of Defense to accomplish the changes mandated by the Senate provision; and (4) provide additional discretion to the Secretary regarding the number, characteristics, and application of mandated CFTs.

The intention of the conferees in adopting this provision is to provide the Secretary of

Defense with a valuable tool for improving the performance of even the most elite organizations. Recognizing that the civilian and military employees of the Department of Defense are committed to the mission of protecting and defending the United States, the conferees believe that CFTs will provide the Secretary, and therefore the DOD workforce, a tool to more-effectively achieve their shared mission. The conferees believe that CFTs will enable the Secretary to more rapidly and effectively develop solutions and strategies for complex critical objectives and other organizational outputs of the Department of Defense by harnessing and integrating the expertise and ingenuity resident in the Department's functional organizations.

Successful CFTs require that DOD develop a more collaborative culture, just as the Goldwater-Nichols Act reforms required a cultural change to instill "jointness" among the military services to better support integrated operations for the combatant commands. The conferees recognize that it is difficult to legislate cultural change, but note that cultural change mandated by Goldwater-Nichols was achieved, and that this section promotes a more collaborative culture by such practical steps as training, directives and guidance, and performance reviews. However, the views and expectations of the Secretary and his principal staff advisers will be critical to success.

DOD officials have expressed the concern that the CFTs mandated under this section will undermine the authority of the Secretary of Defense and confuse lines of responsibility. The conferees emphasize that the authority of the CFTs, which will be established and directed by the Secretary and will support the Secretary, derives from the authority of the Secretary. Any authority being exercised is the delegated authority of the Secretary and is to be applied to cross-cutting objectives and other organizational issues that are not under the authority of any officials other than the Secretary and Deputy Secretary of Defense.

The conferees note that DOD has established CFTs in the past that were highly effective, including teams to improve care for wounded warriors, dramatically increase intelligence support to counter-terrorism forces, and rapidly build thousands of life-saving armored vehicles to protect forces facing dire threats from improvised explosive devices. The attributes of these successful teams, and the manner in which they were managed, as well as the collective experience of the private sector and other government organizations, are reflected in the provision adopted by the conferees.

The conferees hope and expect that the good-faith implementation of this provision will demonstrate the value of properly constructed CFTs, which will spur the use of such teams across the Department, supporting officials and decision-making at all levels of the enterprise.

*Policy, organization, and management goals and priorities of the Secretary of Defense for the Department of Defense (sec. 912)*

The Senate bill contained a provision (sec. 942) that would require a series of management directives for the next Secretary of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would scope the management overview to focus on policy goals, organizational management, and layering of Department of Defense organizations and require updates in the form of a briefing on February 1 of each year through 2022 after the initial written report is submitted by April 1, 2017.

The Conferees note that the Secretary of Defense is expected to utilize the delivery unit authorized in this Act to assist with the execution and tracking of goals set under this provision.

*Secretary of Defense delivery unit (sec. 913)*

The Senate bill contained a provision (sec. 906) that would provide the Secretary of Defense with the authority to establish a delivery unit that would report directly to the Secretary in order to provide expertise and support on key reform and business transformation priorities across the Department for no more than four years beginning February 1, 2017. Such delivery unit may utilize the public-private talent exchange authorities available to the Secretary and consist of no more than 30 professionals with deep experience in management consulting, organization transformation, and data analytics.

The House amendment contained no similar provision.

The House recedes with an amendment that would expand the role of the delivery unit beyond the business transformation process to also include the authority to identify and recommend resolutions to obstacles impeding the implementation of the Secretary's policies. The amendment also moves the establishment date of the delivery unit to March 1, 2017.

*Performance of civilian functions by military personnel (sec. 914)*

The House amendment contained a provision (H. 923) that would prohibit the conversion of positions performed by civilian personnel to performance by military personnel in most cases.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would further clarify that functions performed by civilian personnel should not be performed by military personnel except to meet mission requirements, as determined by the Secretary of a military department, or to address critical staffing needs for no more than one year resulting from congressional reductions in personnel or budgetary resources.

*Repeal of requirements relating to efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense (sec. 915)*

The Senate bill contained a provision (sec. 1084) that would repeal section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

The House amendment contained no similar provision.

The House recedes.

Subtitle C—Joint Chiefs of Staff and Combatant Command Matters

*Joint Chiefs of Staff and related combatant command matters (sec. 921)*

The Senate bill contained a provision (sec. 921) that would amend sections 151 and 153 of title 10, United States Code, to clarify the role of the Chairman of the Joint Chiefs of Staff and the key duties that this officer must perform on behalf of the joint force, specifically: providing advice on the military elements of defense strategy and the global integration of military activities; advocating for the joint warfighter of today and tomorrow, especially with respect to developing joint capabilities; ensuring comprehensive joint readiness; and fostering joint force development. This provision seeks to clarify the role of the Chairman and thereby set an expectation that the preponderance of any Chairman's time should be devoted to the key strategic, global, and joint duties that are the Chairman's unique purview within the military.

The provision would also enhance the role of the other members of the Joint Chiefs, and the Joint Chiefs of Staff as a corporate body, to provide military advice to civilian leaders, including on the military elements of strategy. Current law provides the Chairman discretion with regard to how much to consult with the other Joint Chiefs and whether to inform civilian leaders of alternative military advice. This provision would seek to better enable the Chairman to act as the principal military adviser to civilian leaders.

The House amendment contained two similar provisions (sec. 907 and sec. 908). The first provision in the House amendment (sec. 907) would amend section 152(a) of title 10, United States Code, to extend the term of office of the Chairman of the Joint Chiefs of Staff from 2 years to 4 years. This section would also limit the reappointment of the Chairman to additional terms only in a time of war, and limit the combined period of service of an officer serving as Chairman or Vice Chairman of the Joint Chiefs of Staff to 8 years.

The second provision (sec. 908) in the House amendment would amend section 153(a) of title 10, United States Code, which sets forth the functions of the Chairman of the Joint Chiefs of Staff, by codifying the Chairman's responsibility to provide advice to the President and the Secretary of Defense on ongoing military operations and to provide advice to the Secretary on the allocation and transfer of forces among combatant commands.

The House recedes with an amendment that would make certain changes to enhance the position of the other members of the Joint Chiefs as military advisors, extend the terms of the Chairman and the Vice Chairman to 4 years and ensure that such terms are staggered, outline the Chairman's role in planning, advice, global military integration, and ensure open communication between the combatant commands and the Chairman.

*Organization of the Department of Defense for management of special operations forces and special operations (sec. 922)*

The Senate bill contained a provision (sec. 923) that would amend sections 138 and 167 of title 10, United States Code, to modify the roles and responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC) and the Commander of U.S. Special Operations Command (SOCOM).

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

The conferees note that in recent years SOCOM has undergone significant change and the capabilities of special operations forces (SOF) have taken on critical importance for addressing the threat posed by violent extremist groups and other security challenges facing our nation. Since 2001, SOCOM's personnel numbers (civilian and military) have nearly doubled, its budget nearly tripled, and overseas deployments of SOF nearly quadrupled.

Under provisions included in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), commonly referred to as the "Nunn-Cohen Amendment," the ASD SOLIC is tasked with the responsibility to provide "the overall supervision (including oversight of policy and resources) of special operations activities" and is identified as "the principal civilian advisor to the Secretary of Defense on special operations and low intensity conflict matters."

The provisions described above were intended to empower the ASD SOLIC to serve

a hybrid role as: 1) the Department's lead civilian policy official for matters related to special operations and low intensity conflict; and 2) the "service secretary-like" civilian with responsibility for the oversight and advocacy of SOCOM and the organization, training, and equipping of SOF. However, the conferees believe the ASD SOLIC has been challenged in fulfilling their "service secretary-like" responsibilities for a number of reasons. For example, the ASD SOLIC's organizational location within the office of the Undersecretary of Defense for Policy (USD(P)) has resulted in the ASD SOLIC dedicating a preponderance of their time and resources to policy and operational issues, at the expense of their "service secretary-like" responsibilities. Additionally, other civilian offices with greater seniority within the Department exercise related and, at times, overlapping responsibilities for aspects of SOF oversight, thereby complicating the ASD SOLIC's primacy in such matters. Furthermore, the conferees understand that studies directed by the Department when the ASD SOLIC was created determined that appropriate staffing levels for the organization would require between 95 and 110 personnel. However, the office of the ASD SOLIC is currently only staffed by approximately 60 military and civilian personnel, only 6 of whom are focused on tasks related to the oversight and advocacy of the organization, training, and equipping of SOF. Furthermore, the addition of responsibilities for the counter-narcotics programs, building partner capacity initiatives, and humanitarian and disaster relief efforts of the DOD have further stretched the resources available to the office since its creation.

The conferees intend for this provision to clarify and strengthen the original mandate provided by the Nunn-Cohen Amendment that established the ASD SOLIC. The provision is intended to facilitate the unique "service secretary-like" responsibilities of the ASD SOLIC by mirroring the administrative chain of command relationship between the service secretaries and the military services for issues impacting the special operations-peculiar (commonly referred to as Major Force Program-11) administration and support of SOCOM, including the readiness and organization of SOF, resources (including program planning, allocation, and execution) and equipment, and relevant civilian personnel matters. The provision shall not impact the operational chain of command for SOF activities or the "service-common" responsibilities of the military services including personnel and other matters that are not special operations-peculiar.

The conferees are mindful of the congressionally-directed reductions to headquarters staff, but believe that the "service secretary-like" mission of the ASD SOLIC should be more robustly resourced in order to rebalance the ASD SOLIC's lines of effort and fulfill its mandate under title 10, United States Code. The conferees also expect the codification of the Special Operations Policy and Oversight Council under this provision to improve the oversight and advocacy of SOF by integrating the efforts of the various functional offices with direct or tangential responsibilities for SOF issues, thereby partially mitigating the need for significant numbers of additional personnel.

Additionally, the conferees note that the President approved the transfer of the mission for synchronizing global Department of Defense operations for countering weapons of mass destruction (CWMD) from United States Strategic Command (STRATCOM) to United States Special Operations Command on August 4, 2016. According to the Secretary of Defense "Expediting the transfer of CWMD responsibilities will allow USSOCOM

to assume leadership for synchronization of Department of Defense (DoD) efforts in this critical mission, which will include updating the DoD CWMD Campaign Plan and instituting a comprehensive mission assessment process. I recommend this course of action to best ensure consistent, focused, and strengthened CWMD efforts across the Department and with our interagency and international partners." The conferees support the transfer of the CWMD global synchronization mission to SOCOM because it may ensure appropriate DOD and interagency attention for this critical mission, facilitate synchronization with counterterrorism and other transregional efforts, and strengthen the preparedness of U.S. Special Operations Forces to counter these threats. However, the conferees are concerned that the requirements to successfully implement this mission change may not be fully defined and understood at this time. The conferees believe that it is important to clearly define requirements for this mission transfer to ensure that resources needed by SOCOM to adequately carry out this mission are appropriately transferred and provided for across the future years defense program.

Therefore, not later than 90 days after enactment of this Act, the conferees direct the Secretary of Defense to submit to the congressional defense committees the implementation plan for the transfer of the CWMD global synchronization mission. The report should include: an identification of resources, authorities, personnel or capabilities needed for this mission, and plans to implement those in the future years defense program; identification of the responsibilities, organizations, personnel and capabilities to be transferred from Strategic Command, including those at the Defense Threat Reduction Agency, to SOCOM to support the mission; oversight responsibilities within the Office of the Secretary of Defense; dates and criteria for the initial operating capability and full operating capability milestones.

*Establishment of Unified Combatant Command for Cyber Operations (sec. 923)*

The House amendment contained a provision (sec. 911) that would establish a unified combatant command for cyber operations with the primary function to prepare cyber operations forces to carry out assigned missions.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note transparency of U.S. Cyber Command operations, forces, and other activities is critical to oversight of the command by Congress. The conferees expect the quarterly cyber operations briefings, mandated by Title 10, United States Code, Section 484, to continue to serve as a forum for providing information to Congress on all offensive and significant defensive military operations in cyberspace carried out by the unified combatant command in the preceding quarter and serve as mechanism for informing Congress of other activities of the command.

In establishing the unified combatant command for cyber operations, the conferees also expect the Secretary of Defense, in conjunction with the relevant agencies and entities within the Department of Defense, to establish formal procedures for notification to Congress of significant operations in cyberspace on a timely basis. The conferees also expect the Secretary to establish formal procedures for notification to Congress of other significant command activities, such as delegation of new authorities to the United States Cyber Command Commander for cyberspace operations by the Secretary of

Defense and relevant policy and internal oversight decisions affecting activities of the command.

*Assigned forces of the combatant commands (sec. 924)*

The Senate bill contained a provision (sec. 1041) that would amend section 162 of title 10, United States Code, to require the secretaries of the military departments, at the direction of the Secretary of Defense, to assign forces under the jurisdiction of the secretaries concerned to the combatant commands to perform missions assigned to the combatant commands. Forces that are not so assigned shall remain under the direction and control of the respective military department secretaries for purposes of carrying out the secretaries' responsibilities under sections 3013, 5013, and 8013 including organizing, training, and mobilizing of all United States military forces.

The House amendment contained a similar provision (sec. 909).

The House recedes.

*Modifications to the requirements process (sec. 925)*

The Senate bill contained a provision (sec. 943) that would amend Section 181 of title 10, United States Code, to clarify and modify the joint and service-specific requirements process. This provision would ensure that the service chief of the relevant military service is responsible for all service-specific requirements, and Joint Requirements Oversight Council (JROC) validation is not required before commencing a service-specific acquisition program, except for a major defense acquisition program or a service-specific program designated for JROC oversight by the Chairman of the Joint Chiefs of Staff. Additionally, this provision would require the Chairman to determine whether a major defense acquisition program meets joint requirements before the program or subprogram receives Milestone A approval or is otherwise initiated prior to Milestone B. The provision also would make the Vice Chairman of the Joint Chiefs of Staff the principal adviser to the Chairman on requirements.

The House amendment contained no similar provision.

The House recedes with an amendment that would modify the responsibilities of the JROC to focus on critical joint warfighting needs by: (1) determining gaps in joint military capabilities; (2) validating that proposed capabilities fulfill a gap; and (3) approving only joint performance requirements, such as interoperability or those involving more than one military service. The amendment would retain language from section 181 of title 10, United States Code, to clarify that the mission of the JROC shall include other matters assigned to it by the President or Secretary of Defense, and that the Chairman of the Joint Chiefs of Staff shall appoint members to the JROC who are recommended by the Secretaries of the military departments. The amendment would retain the Under Secretary of Defense (Comptroller) as an advisor to the JROC and broaden the base of analytic support that shall assist the JROC to include organizations within the Department that have operations research, systems analysis, and cost estimation expertise. The amendment also would modify definitions of joint military capabilities and performance requirements.

The amendment also would provide the JROC with authority to review performance requirements for other proposed or existing capabilities that the Chairman determines should be reviewed by the JROC. The conferees expect that this authority would be used only in limited situations, such as the review of proposed capabilities that may affect the joint force or an existing materiel

capability solution that may no longer satisfy a previously identified gap. This authority should not supersede any other existing statutory or regulatory authority that pertains to the review and approval of requirements by other entities, such as the Missile Defense Agency or the authority to validate requirements provided to the Special Operations Command in Section 167 of title 10, United States Code.

Additionally, the amendment requires that the Secretary of Defense establish an investment review process, to be co-chaired by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, to establish cost and fielding targets for new programs pursuant to section 2448a of this Act. To support establishment of cost and fielding targets, the amendment transfers from the JROC to the new investment review process the review of trade-offs among life-cycle cost, schedule, and performance objectives. The conferees direct the Secretary to develop a plan for implementing this investment review process and to brief the defense committees on the elements of the plan no later than 6 months after enactment of the Act. In developing the plan, the conferees direct the Secretary to evaluate the Department's Analysis of Alternatives process for determining trade-offs and weapon system solutions in acquisition programs.

*Assessments of combatant command structure (sec. 926)*

The Senate bill contained a provision (sec. 924) that would direct the Secretary of Defense to initiate a pilot program on the organization of a unified combatant command by organizing the subordinate commands of such unified combatant command in the form of joint task forces.

The House amendment contained a similar provision (sec. 914) that would require the Secretary of Defense to enter into a contract with an independent entity to conduct an assessment on the combatant command structure and to provide recommendations for improving the overall effectiveness of combatant command structures.

The Senate recedes with an amendment clarifying that the Secretary of Defense shall conduct an assessment of the organization of the combatant commands and provide recommendations for changes to improve the effectiveness of such commands as well as enter into a contract for an independent assessment of the organization of the combatant commands.

The conferees expect the assessments to address any deficiencies in the current organization of the combatant commands; to review the growth in the size of staffs of the unified combatant commands and whether such growth inhibits an effective and efficient performance; to determine whether the combatant commands are best aligned to address persistent, trans-regional, cross-functional, and multi-domain threats; and to assess whether the current structure encourages the unified combatant commands to be overly focused on mission support activities and not sufficiently focused on operational missions of the combatant commands.

Subtitle D—Organization and Management of Other Department of Defense Offices and Elements

*Qualifications for appointment of the Secretaries of the military departments (sec. 931)*

The Senate bill contained a provision (sec. 902) that would amend sections 3013, 5013, 8013 of title 10, United States Code, to prescribe management experience of large and complex organizations as qualification required for individuals to serve as the Secretaries of the Army, Navy, and Air Force, respectively.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish that service secretaries shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.

*Enhanced personnel management authorities for the Chief of the National Guard Bureau (sec. 932)*

The Senate bill contained a provision (sec. 944) that would amend section 1058 of title 10, United States Code, to enhance the personnel management authority of the Chief of the National Guard Bureau by authorizing the Chief to program for, appoint, employ, administer, detail, and assign federal civilian employees to provide full-time support to the non-federalized National Guard. This provision clarifies that state adjutants general will continue to exercise their authority to hire, employ, and supervise the federal civilian employees providing full-time support to their state.

The House amendment contained no similar provision.

The House recedes.

*Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs (sec. 933)*

The Senate bill contained a provision (sec. 947) that would amend sections 1781

(a) and 1781

(c) of title 10, United States Code, to reorganize and redesignate the Office of Family Policy into the Office of Military Family Readiness Policy and the Office of Community Support for Military Families with Special Needs into the Office of Special Needs. The provision would reorganize the Office of Special Needs under the Office of Military Family Readiness Policy. The provision would also require the director of the Office of Military Family Readiness Policy to be a member of the Senior Executive Service or a general or flag officer.

The House amendment contained no similar provision.

The House recedes with an amendment that would repeal the requirement for the head of the office to be a member of the Senior Executive Service or a general or flag officer.

*Redesignation of Assistant Secretary of the Air Force for Acquisition as Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics (sec. 934)*

The Senate bill contained a provision (sec. 949) that would amend section 8016(b)(4)

(A) of title 10, United States Code, to redesignate the title of "Assistant Secretary of the Air Force for Acquisition" to read "Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics" in this and all other laws.

The House amendment contained no similar provision.

The House recedes.

Subtitle E—Strategies, Reports, and Related Matters

*National Defense Strategy (sec. 941)*

The Senate bill contained a provision (sec. 1096) that would require the Secretary of Defense to provide the congressional defense committees a national defense strategy that addresses the highest priority missions for the Department of Defense, the most critical and enduring threats to the national security of the United States and its allies, and the strategies that the Department will use to counter those threats.

The House amendment contained a similar provision (sec. 904).

The House recedes with amendments clarifying the form and frequency of the national defense strategy and making other technical changes.

*Commission on the National Defense Strategy for the United States (sec. 942)*

The House amendment contained a provision (sec. 903) that would establish a commission to be known as the "Commission on the National Defense Strategy for the United States" to examine and make recommendations with respect to national defense strategy for the United States.

The Senate bill contained a similar provision (sec. 1078).

The Senate recedes with amendments addressing threat assessments and force structure and making other technical changes.

The commission would replace the National Defense Panel and precede the development of the National Defense Strategy, required elsewhere in this Act. The conferees believe that such an independent effort to provide recommendations and identify key issues and areas of focus, would improve the Secretary's development of strategy. Furthermore, the conferees believe that such a bipartisan effort could help build national consensus on how to address complex and challenging national security issues.

*Reform of the national military strategy (sec. 943)*

The Senate bill contained a provision (sec. 921(c)) that would revise the requirements of the national military strategy.

The House amendment contained a similar provision (sec. 905).

The Senate recedes with technical amendments that include language from the Senate provision.

*Form of annual national security strategy report (sec. 944)*

The Senate bill contained a provision (Sec. 1090) that would amend Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) by requiring the national security strategy report to be delivered in classified form, but it may include an unclassified summary.

The House amendment contained no similar provision.

The Senate recedes with technical amendment that clarifies the report should be delivered to Congress.

*Modification to independent study of national security strategy formulation process (sec. 945)*

The House amendment contained a provision (sec. 906) that would amend section 1064 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), which requires an independent study of the national security strategy formulation process, by adding a requirement for the study to address the workforce responsible for conducting strategic planning and to examine how Congress fits into the strategy formulation process.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle F—Other Matters

*Enhanced security programs for Department of Defense personnel and innovation initiatives (sec. 951)*

The Senate bill contained a provision (sec. 973) that would require the Secretary of Defense to take actions to allow the Defense Security Service to conduct before October 1, 2017, all personnel background and security investigations adjudicated by the Consolidated Adjudication Facility of the Department of Defense. This provision would

also strengthen insider threat detection programs by streamlining requirements for the collection, storage, and retention of information and would allow the Department to seek solutions from commercial companies and improve the process for the reciprocity of security clearances.

The House amendment contained a similar provision (sec. 215) that would require the Secretary of Defense to develop and sustain a new security clearance information technology architecture to replace the legacy system of the Office of Personnel Management. Further, this section would require the Secretary of Defense, Director of National Intelligence, and Director of the Office of Personnel Management to issue a governance charter to delineate responsibilities between organizations, as well as to review and revise as necessary the executive orders, statutes, and other authorities related to personnel security. This section would also require quarterly notifications to designated congressional committees until September 30, 2019.

The House recedes with an amendment that would require the Department to prepare a plan to potentially transfer personal background and security clearance investigations back to the Department of Defense, include requirements for developing the information technology systems to support background investigations, and provide authority to waive some statutory deadlines related to the timelines for background investigations.

*Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region (sec. 952)*

The Senate bill contained a provision (S. 972) that would amend section 2674 of title 10, United States Code, to update the authority of the Secretary of Defense to appoint law enforcement personnel to protect the Pentagon reservation and Department of Defense activities in the National Capital Region, and to set the rates of basic pay for law enforcement and security personnel whose permanent duty station is the Pentagon reservation.

The House amendment contained no similar provision.

The House recedes.

*Modifications to requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing (sec. 953)*

The Senate bill contained a provision (sec. 971) that would amend sections 1501, 1505, and 1513 of title 10, United States Code, to elevate oversight of recovery policy and operations for current conflicts from the Defense POW/MIA Accounting Agency (DPAA) to the Secretary of Defense, and to clarify that the DPAA director retains authority to establish policy and execute recovery operations for missing persons from past conflicts. In addition, this provision would clarify that the Department is required to account for missing persons only to the extent practicable upon discovery of remains of missing personnel.

The House amendment contained a similar provision (sec. 925).

The Senate recedes.

*Modifications to corrosion report (sec. 954)*

The House amendment contained a provision (sec. 921) that would amend section 2228(e)

(1) of title 10, United States Code, to modify Department of Defense corrosion reporting requirements.

The Senate bill contained no similar provision.

The Senate recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Sense of Congress on Goldwater-Nichols Reform*

The House amendment contained a provision (sec. 901) that would express the sense of Congress that certain principles should be adhered to in any reform of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

The Senate bill contained no similar provision.

The House recedes.

*Authority to employ civilian faculty members at Joint Special Operations University*

The House amendment contained a provision (sec. 922) that would amend section 1595(c) of title 10, United States Code, to provide the Joint Special Operations University the flexibility to hire civilians as professors, instructors, and lecturers.

The Senate bill contained no similar provision.

The House recedes.

*Public release by inspectors general of reports of misconduct*

The House amendment contained a provision (sec. 924) that would amend sections 141, 3020, 5020, and 8020 of title 10, United States Code, to require the Department of Defense Inspector General and the service inspectors general to publicly release reports of administrative investigations that substantiate misconduct of members of the Senior Executive Service, schedule C employees, or commissioned officers in pay grade O-6 promotable and above.

The Senate bill contained no similar provision.

The House recedes.

The conferees believe the public is entitled to appropriate access to investigations that substantiate misconduct by senior officials of the Department of Defense and the military departments. The conferees note that the Department of Defense Inspector General's on-line FOIA Reading Room currently includes reports concerning those senior officials.

*Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House amendment contained a provision (sec. 931) that would redesignate the Department of the Navy as the Department of the Navy and Marine Corps. The House amendment contained additional provisions (sections 932, 933, and 934) that would provide technical and conforming amendments to other provisions of the law consistent with the redesignation proposed under section 931.

The Senate bill contained no similar provision.

The House recedes.

#### TITLE X—GENERAL PROVISIONS

##### Subtitle A—Financial Matters

*General transfer authority (sec. 1001)*

The Senate bill contained a provision (sec. 1001) that would allow the Secretary of Defense to transfer up to \$4.0 billion of fiscal year 2017 funds authorized in division A of this Act to unforeseen higher priority needs in accordance with normal reprogramming procedures. Transfers of funds between military personnel authorizations would not be counted toward the dollar limitation in this provision.

The House amendment contained a similar provision (sec. 1001) that would allow the Secretary of Defense, with certain limitations, to make transfers between amounts authorized for fiscal year 2017 in division A of this Act. This section would limit the total amount transferred under this authority to \$5.0 billion. This section would also re-

quire prompt notification to Congress of each transfer made.

The Senate recedes with an amendment that would that would allow the Secretary of Defense to transfer up to \$4.5 billion of fiscal year 2017 funds authorized in division A of this Act to unforeseen higher priority needs in accordance with normal reprogramming procedures.

*Report on auditable financial statements (sec. 1002)*

The House amendment contained a provision that would require the Secretary of Defense to submit to the congressional defense committees, not later than 30 days after enactment, a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the deadline for the report to 90 days after enactment.

*Increased use of commercial data integration and analysis products for the purpose of preparing financial statement audits (sec. 1003)*

The Senate bill contained a provision that would require the Department of Defense to procure information technology services, data analysis, and data integration platforms to improve the preparation of Department of Defense financial statements.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Sense of Congress on sequestration (sec. 1004)*

The Senate bill contained a provision (sec. 1003) that would express the sense of the Senate that the statutory budget caps imposed by the Budget Control Act of 2011 (BCA) remain an unreasonable and inadequate budgeting tool to address the Nation's fiscal challenges. The Senate remains concerned about the harmful impacts of sequestration on our national defense, to include non-defense agencies that contribute to our national security. This provision acknowledges that relief from the BCA should include both defense and non-defense spending.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of the congress that sequestration is an unreasonable and inadequate budgeting tool, imposes unacceptable limitations on the budget and increased risk to national security, and that the caps in the budget control act should be modified through a bipartisan legislative agreement.

*Requirement to transfer funds from Department of Defense Acquisition Workforce Development Fund to the Treasury (sec. 1005)*

The House amendment contained a provision (sec. 1002) that would reduce the unobligated balance of the Defense Acquisition Workforce Development Fund by \$475.0 million due to excess funds.

The Senate bill contained no similar provision.

The Senate recedes.

##### Subtitle B—Counter-Drug Activities

*Codification and modification of authority to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies (sec. 1011)*

The Senate bill contained a provision (sec. 1006) that would establish a new section in title 10, United States Code, to codify section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510),

as most recently amended by section 1012 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291). The provision would also make modifications to the types of support that may be provided with respect to foreign law enforcement.

The House amendment contained no similar provision.

The House recedes with an amendment that would codify and make modifications to the authority of the Department of Defense to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies. The provision would also require coordination with the Secretary of State for support for foreign law enforcement agencies under the authority.

The conferees are concerned about the threat posed by the production and trafficking of heroin, fentanyl (and precursor chemicals), and other illicit drugs. Consistent with the Department’s authorities and missions, the conferees direct the Department to ensure appropriate resources are allocated to efforts to combat this threat.

*Secretary of Defense review of curricula and program structures of National Guard counterdrug schools (sec. 1012)*

The House amendment contained a provision (sec. 1012) that would amend section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469) to authorize the Secretary of Defense to review and approve the curriculum and program structure of each of the National Guard counterdrug schools.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees note the importance of the National Guard counterdrug schools in the development, training, and maintenance of skills for Federal, State, local, and foreign government officials to combat illicit trafficking. The committee supports increased oversight of these schools by the Secretary to improve the alignment of curriculum to defense priorities and the allocation of limited resources.

*Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia (sec. 1013)*

The Senate bill contained a provision (sec. 1007) that would extend by 4 years the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia originally authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House amendment contained a similar provision (sec. 1013) that would extend by 1 year the authority to support the unified counterdrug and counterterrorism campaign in the Republic of Colombia authorized by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), and most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House recedes with an amendment that would extend the authority for 2 years.

The conferees strongly support the vital partnership between the United States and Colombia and note the remarkable security gains the Government of Colombia has achieved over the last 15 years. The conferees believe that an enduring security relationship between the U.S. and Colombia is essential to sustaining and building upon

these gains and urge the Department of Defense, in coordination with the interagency, to ensure its security cooperation programs and authorities reflect the evolving security environment in Colombia and the region.

*Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense (sec. 1014)*

The Senate bill contained a provision (sec. 1051) that would require the Secretary of Homeland Security to ensure that the information needs of the Department of Homeland Security (DHS) relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training. The provision would require the Secretary of Defense to ensure that such military training conducted in proximity to the borders of the U.S. is coordinated with DHS. Further, the provision would require the Secretary of Homeland Security and the Secretary of Defense to create joint guidance to ensure information relevant to drug interdiction or other civilian law enforcement matters that is collected by the U.S. military during the normal course of military training or operations is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

The House amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to coordinate unmanned aerial systems training missions along the southern border of the United States in order to support the Department of Homeland Security’s counter-narcotic trafficking efforts.

The House recedes with a technical amendment.

*Subtitle C—Naval Vessels and Shipyards*

*Definition of short-term work with respect to overhaul, repair, or maintenance of naval vessels (sec. 1021)*

The House amendment contained a provision (sec. 1021) that would amend section 7299a of title 10, United States Code, and expand the homeport limitation of an overhaul, repair, or maintenance ship availability from six months to ten months.

The Senate bill contained no similar provision.

The Senate recedes.

*Warranty requirements for shipbuilding contracts (sec. 1022)*

The House amendment contained a provision (sec. 1022) that would require shipbuilding contracts to include warranty of work for a period of at least 1 year. A contracting officer may waive this requirement if a limited liability of warranted work is in the best interest of the government.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit this provision to new construction contracts in the Shipbuilding and Conversion, Navy account, as well as establish the effective date of this provision as the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018 or September 30, 2017, whichever occurs later.

The conferees direct the Secretary of the Navy to submit two reports to the congressional defense committees:

(1) A report describing the status of the Department of the Navy policy being developed to implement this provision shall be submitted not later than March 30, 2017; and

(2) A report describing the final or draft Department of the Navy policy to implement this provision shall be submitted not later than June 30, 2017.

*National Sea-Based Deterrence Fund (sec. 1023)*

The House amendment contained a provision (sec. 1023) that would:

(1) Expand the Fund’s transfer authority provided by section 1022(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to include fiscal year 2018;

(2) Amend section 2218a of title 10, United States Code, relating to the National Sea-Based Deterrence Fund to include authority for multiyear procurement of critical components to support continuous production;

(3) Clarify the definition of a national sea-based deterrence vessel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would delete the transfer authority expansion and limit the use of multiyear procurement authority to that needed to support continuous production of the common missile compartment.

The conferees expect the Navy to continue reviewing production approaches for the Ohio Replacement Program to achieve additional efficiencies. The conferees would be willing to consider expanding multiyear production authority if the Navy is able to demonstrate savings or greater efficiencies could be achievable through such use.

*Availability of funds for retirement or inactivation of Ticonderoga-class cruisers or dock landing ships (sec. 1024)*

The House amendment contained a provision (sec. 1024) that would prohibit the Secretary of the Navy from using funds authorized to be appropriated by this Act to retire a cruiser or dock landing ship or to place in a modernization status more than six cruisers and one dock landing ship. Furthermore, the Secretary of Defense would be prohibited from obligating more than 75 percent of the funds made available for the Office of the Secretary of Defense until the Secretary of the Navy enters into a contract for the modernization of four cruisers and one dock landing ship and enters into a contract for the procurement of combat systems upgrades associated with six such cruisers.

The Senate bill contained a similar provision (sec. 1011).

The Senate recedes with an amendment that would prohibit the retirement, preparation for retirement, inactivation, or placement in storage of any Ticonderoga-class cruisers or Whidbey Island-class amphibious ships, except to allow the modernization and upgrades for those ships to continue in accordance with section 1026 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The conferees continue to support a cruiser modernization plan consistent with the ‘2-4-6’ plan that allows the Secretary of the Navy to induct two cruisers per year into a modernization period of up to four years with no more than six cruisers in this prolonged modernization status at any one time.

*Subtitle D—Counterterrorism*

*Frequency of counterterrorism operations briefings (sec. 1031)*

The House amendment contained a provision (sec. 1031) that would amend section 485 of title 10, United States Code, to require the Secretary of Defense to provide monthly counterterrorism operations briefings to the congressional defense committees.

The Senate bill contained no similar provision.

The Senate recedes.

*Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States (sec. 1032)*

The Senate bill contained a provision (sec. 1021) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

The House amendment contained a similar provision (sec. 1032).

The Senate recedes.

*Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1033)*

The Senate bill contained a provision (sec. 1022) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained a similar provision (sec. 1033).

The Senate recedes.

*Prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1034)*

The Senate bill contained a provision (sec. 1026) that would extend until December 31, 2017, the prohibition on the use of funds provided to the Department of Defense to transfer or release individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to Libya, Somalia, Syria, or Yemen.

The House amendment contained a similar provision (sec. 1034).

The Senate recedes.

*Prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba. (sec. 1035)*

The Senate bill contained a provision (sec. 1030) that would extend until December 31, 2017, the prohibition on the use of funds to close or abandon United States Naval Station, Guantanamo Bay, Cuba, to relinquish control of Guantanamo Bay to the Republic of Cuba, or to implement a material modification to the Treaty between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

The House amendment contained a similar provision (sec. 1035).

The Senate recedes.

#### Subtitle E—Miscellaneous Authorities and Limitations

*Expanded authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo (sec. 1041)*

The House amendment contained a provision (sec. 1041) that would amend section 2649 of title 10, United States Code, to expand the authority for transportation by the Department of Defense of non-Department of Defense personnel and cargo as well as allowing the Secretary of Defense the ability to enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper's cargo.

The Senate bill contained no similar provision.

The Senate recedes.

*Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained (sec. 1042)*

The Senate bill contained a provision (sec. 1088) that would amend section 5062 of title 10, United States Code, to reduce the number of air wings required to be maintained and fully staffed from 10 to 9.

The House amendment contained a similar provision (sec. 1072) that would require the Secretary of Defense to submit a report to Congress on the impact of changes to the existing carrier air wing force structure.

The House recedes with an amendment that would reduce the minimum number of carrier air wings to be maintained to nine until additional deployable aircraft carriers can fully support a tenth carrier air wing, or October 1, 2025, whichever comes first, at which time the Secretary of the Navy shall maintain a minimum of ten carrier air wings.

*Modification to support for non-Federal development and testing of material for chemical agent defense (sec. 1043)*

The House amendment contained a provision (sec. 1082) that would modify subsection (d) and subsection (e) of section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), to modify and extend, with a sunset date of January 31, 2021, the "Support for Non-Federal Development and Testing of Material for Chemical Agent Defense" report to include reporting on any instance where the Department provides biological select agents or toxins to a non-Federal entity for development of biological defenses. This amendment would supersede section 1080 of the Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.

The Senate recedes.

*Protection of certain Federal spectrum operations (sec. 1044)*

The House amendment contained a provision (sec. 1045) that would amend section 1004 of the Bipartisan Budget Act of 2015 (Public Law 114-74; 47 U.S.C. 921 note) by adding protections of certain Federal spectrum operations.

The Senate bill contained no similar provision.

The Senate recedes.

*Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms (sec. 1045)*

The Senate bill contained a provision (sec. 1012) that would prohibit funds from being used to retire, prepare to retire, transfer, or place in storage any *Avenger*-class mine countermeasures ship, MH-53 *Sea Dragon* helicopter, or associated equipment, as well as make any reductions to the manning levels of any *Avenger*-class mine countermeasures ship or *Sea Dragon* squadron or detachment. The Secretary of the Navy may waive this prohibition by making the prescribed certification to the congressional defense committees.

The House amendment contained a similar provision (sec. 1042).

The House recedes.

*Extension of authority of Secretary of Transportation to issue non-premium aviation insurance (sec. 1046)*

The House amendment contained a provision (sec. 1043) that would amend Section 44310(b) of title 49, United States Code, to extend the authority of the Secretary of Transportation to provide aviation insurance and reinsurance upon the request of another U.S. Government agency.

The Senate bill contained no similar provision.

The Senate recedes.

*Evaluation of Navy alternate combination cover and unisex combination cover (sec. 1047)*

The House amendment contained a provision (sec. 1044) that would change the Department of the Navy's mandatory wear date of the alternate combination cover from October 31, 2016, to October 31, 2020, and prohibit the Secretary of the Navy from implementing any future changes or enforce any current changes to female service dress uniforms until the Secretary submits a report to the Committees on Armed Services of the Senate and House of Representatives on the evaluation of the Navy female service dress uniform.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would remove the prohibition on the Secretary of the Navy to make changes to uniforms, lower the delayed implementation of existing changes from five to three years, and add a requirement for the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than February 1, 2017, on the survey results regarding the new covers or any other uniform changes.

*Independent evaluation of Department of Defense excess property program (sec. 1048)*

The Senate bill contained a provision (sec. 1053) that would amend section 2576a of title 10, United States Code to modify the availability of defense items eligible for transfer and notification requirements.

The House amendment contained a similar provision (sec. 1049) that would amend section 2576a of title 10, United States Code to modify the preference for certain purposes for the transfer of excess Department of Defense equipment to Federal and State agencies.

The House recedes with an amendment that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center, or another independent entity, with relevant expertise to conduct an evaluation of the Department of Defense excess property program under section 2576a of title 10, United States Code.

The conferees note that section 1051 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) required the Secretary of Defense to enter into an agreement with a federally funded research and development center for the conduct of an assessment of the excess property program, to include an evaluation of the policies and controls governing the determination of the suitability of recipients of controlled property transferred under the program and an analysis of reported statistics on controlled property transfers, and other related matters.

The conferees intend for the evaluation required in this Act to be part of an ongoing review of the Department of Defense excess property program.

*Waiver of certain polygraph examination requirements (sec. 1049)*

The House amendment contained a provision (sec. 1097) that would authorize the Commissioner of U.S. Customs and Border Protection to waive polygraph examination requirements for certain veterans.

The Senate bill contained no similar provision.

The Senate recedes.

*Use of transportation worker identification credential to gain access at Department of Defense installations (sec. 1050)*

The House amendment contained a provision (sec. 1098) that would require the Secretary of Defense, to the maximum extent

practicable, to ensure that the Transportation Worker Identification Credential (TWIC) be accepted as a valid credential for unescorted access to Department of Defense installations by transportation workers. The provision would also exempt TWIC-carrying transportation workers with a current secret clearance issued by the Department of Defense from further vetting when seeking unescorted access to Department of Defense facilities provided that installation access personnel shall verify the person's security clearance in a timely manner. The provision would also require the Secretary of Defense to document and report each instance when a TWIC-carrying transportation worker is denied access to a military installation in designated locations, together with a reason for such denial, and the amount of time the TWIC-carrying person was required to wait for access. The report would be required not later than 90 days after enactment of this Act and annually until the Department completes fielding of Identity Management Enterprise Services Architecture and electronic access control systems are fielded.

The Senate bill included no similar provision.

The Senate recedes with an amendment that does not include the reporting requirement in the House amendment.

*Limitation on availability of funds for destruction of certain landmines and briefing on development of replacement anti-personnel landmine munitions (sec. 1051)*

The House amendment contained a provision that would limit the funds available for the destruction of anti-personnel landmine munitions until the Secretary of Defense submits to Congress a report on the assessment of the current state of research into operational alternatives to anti-personnel landmines.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the funds available for the destruction of anti-personnel landmines until the Secretary of Defense submits to Congress the report required by section 1058 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), instead of a new report. The amendment would also require a briefing on the current state of research and development into operational alternatives to anti-personnel landmines.

*Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel (sec. 1052)*

The Senate bill contained a provision (Sec. 1046) that would require the Air Force, by September 30, 2019, to transition all remotely piloted aircraft (RPA) operations to an organizational model that uses enlisted personnel for the preponderance of RPA operators.

The House amendment contained no similar provision.

The House recedes with an amendment that changes "preponderance" to "a significant number of enlisted personnel," changes the required transition date to September 30, 2020, for the active duty component, and adds September 30, 2023, as the required date for transition by the Air Force Reserve and Air National Guard. The amendment also includes other minor technical corrections.

*Prohibition on divestment of Marine Corps Search and Rescue Units (sec. 1053)*

The Senate bill contained a provision (sec. 1047) that does not authorize appropriated amounts to retire, prepare to retire, transfer or place in storage any Marine Corps Search and Rescue Unit or to make any changes to manning levels to the same.

The House amendment contained no similar provision.

The House recedes.

*Support for the Associate Director of Central Intelligence for Military Affairs (sec. 1054)*

The Senate bill contained a provision (sec. 1049) that would direct the Secretary of Defense and the Under Secretary of Defense for Intelligence to ensure that the Associate Director for Military Affairs of the Central Intelligence Agency (ADMA) has access to, and support from, offices, agencies, and programs of the Department necessary for the ADMA to achieve its intended function.

The House amendment contained no similar provision.

The House recedes with amendments that clarify that the intent of the provision is to encourage effective use of the position, and to remove a requirement that any officer nominated to the position have significant interaction with the CIA within the five years prior to appointment. The conferees learned that such a requirement might impede—rather than encourage—nominees from outside of the special operations community. Therefore, the conferees believe that the relationship between the CIA and the Department's conventional forces should be encouraged, especially given the evolving and complex global threats faced by the United States.

*Notification on the provision of defense sensitive support (sec. 1055)*

The Senate bill contained a provision (sec. 1052) that would require the Secretary of Defense, prior to the provision of defense sensitive support to non-Department of Defense departments and agencies, to determine and notify the congressional defense committees that the support does not interfere with the mission and functions of the Department, or if it does so interfere, that it is in the national security interest of the United States.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member sex (sec. 1056)*

The Senate bill contained a provision (sec. 535) that would prohibit a military commission established under chapter 47A of title 10, United States Code, from acting by order, ruling, finding, or otherwise that a member of the Armed Forces may not perform duties otherwise lawfully assigned if the prohibition is based solely on the gender of the servicemember. The provision would also vacate any such order issued before the date of enactment of this Act.

The House amendment contained a similar provision (sec. 1039).

The House recedes with an amendment that would prohibit any order or other determination of a military commission that would restrict a member of the Armed Forces from carrying out otherwise lawfully assigned duties where the basis for such prohibition or restriction is the sex of the member. Upon enactment, the rule of prohibition established under this provision would apply to a military commission upon a motion to reconsider any such determination that was issued prior to enactment of this Act.

*Congressional notification requirements for sensitive military operations (sec. 1057)*

The Senate bill contained a provision (sec. 1044) that would amend section 130f in title 10, United States Code.

The House amendment contained a similar provision (sec. 1036).

The Senate recedes with clarifying amendment.

Subtitle F—Studies and Reports

*Temporary continuation of certain Department of Defense reporting requirements (sec. 1061)*

The Senate bill contained a provision (sec. 1082) that would repeal the requirements for several reports that are mandated by an annual National Defense Authorization Act and by other public laws.

The Senate bill also contained a provision (sec. 1083) that would repeal several requirements for the Department of Defense to provide reports that have been added by an annual National Defense Authorization Act.

The House amendment contained a similar provision (1061) that would repeal several reporting requirements as well.

The Senate recedes with an amendment that would provide for the repeal of those reporting requirements agreed to by both the House and Senate as listed in the final bill.

*Reports on programs managed under alternative compensatory control measures in the Department of Defense (sec. 1062)*

The Senate bill contained a provision (sec. 1080) that would require the Department of Defense (DOD) to provide certain reports and notifications regarding programs that DOD manages under alternative compensatory control measures (ACCM).

The House amendment contained no similar provision.

The House recedes.

The Department of Defense typically uses the ACCM system to manage programs of lesser sensitivity or programs with a less enduring life than the programs that it manages under special access (SAP) program channels. The conferees believe that DOD needs to provide more rigorous oversight of and reporting on ACCM programs to the congressional defense committees. Despite several directions from Congress to the DOD to produce better information and inventories of these programs, DOD has failed to do so. Therefore, the conferees see no alternative but to include legislation on the matter, and note that failure to use and report ACCMs accordingly will jeopardize future reauthorizations.

*Matters for inclusion in report on designation of countries for which rewards may be paid under Department of Defense rewards program (sec. 1063)*

The House amendment contained a provision (sec. 1062) that would modify section 127b(h) of title 10, United States Code, relating to the Department of Defense rewards program.

The Senate bill contained no similar provision.

The Senate recedes.

*Annual reports on unfunded priorities of the Armed Forces and the combatant commands and annual report on combatant command requirements (sec. 1064)*

The Senate bill contained a provision (sec. 1076) that would require the Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, and commanders of the combatant commands (COCOM) to submit to the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and congressional defense committees a report on the unfunded priorities no later than 25 days after the date on which the President submits the annual budget request.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would change the due date for the report from 25 days to 10 days after the budget request is submitted to Congress and amends section 153(c)(1) of title 10, United States Code to require the Chairman of the Joint Chiefs of Staff to submit an annual report on COCOM requirements no later than

25 days after the date on which the President submits the budget request to Congress.

The conferees note that the COCOM commanders can satisfy the requirement regarding unfunded priorities, as set forth by this provision through their submission of the integrated priority lists (IPL), provided that the IPLs contain sufficient detail on the commands' requirements shortfalls and any relevant or appropriate funding recommendations.

*Management and reviews of electromagnetic spectrum (sec. 1065)*

The House amendment contained a provision (sec. 1068) that would direct the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a comprehensive review of all uses by the Department of Defense of spectrum.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would amend 10 U.S.C. 488 by directing the Secretary of Defense to ensure the effective organization and management of electromagnetic spectrum used by the Department of Defense and establish an enduring review process that considers all requirements relating to such spectrum and ensures that all uses of such spectrum, regardless of the classification of such uses, are involved in the decision-making process of the Department concerning the potential sharing, reassigning, or relocating of such spectrum, of the relocation of the uses by the Department of such spectrum.

*Requirement for notice and reporting to Committees on Armed Services of certain expenditures of funds by Defense Intelligence Agency (sec. 1066)*

The Senate bill contained a provision (sec. 1081) that would add the Armed Services Committees of the Senate and the House of Representatives to a reporting requirement under 50 U.S.C. 3038(c) that allows the Defense Intelligence Agency to use a percentage of its funds without regard to the provisions of law or regulation relating to the expenditure of U.S. government funds.

The House amendment contained no similar provision.

The House recedes.

*Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense (sec. 1067)*

The House amendment contained a provision (sec. 1063) that would direct the Secretary of Defense to provide notification to the congressional defense committees within 15 days of notifying the Centers for Disease Control and Prevention and/or the Animal and Plant Health Inspection Service of any theft, loss, or release of biological select agents or toxins.

The Senate bill contained no similar provision.

The Senate recedes.

*Report on service-provided support and enabling capabilities to United States special operations forces (sec. 1068)*

The House amendment contained a provision (sec. 1064) that would require the Secretary of Defense to submit to the congressional defense committees not later than 180 days after enactment of this Act on support contributed from each of the military services towards special operations forces for each of the fiscal years 2018 through 2020.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Report on citizen security responsibilities in the Northern Triangle of Central America (sec. 1069)*

The House amendment contained a provision (sec. 1065) that would require the Sec-

retary of Defense and the Secretary of State to jointly submit a report to specified congressional committees not later than 180 days after enactment of this Act on the military units that have been assigned to policing or citizen security responsibilities in the Republic of Guatemala, the Republic of Honduras, and the Republic of El Salvador.

The Senate bill contained no similar provision.

The Senate recedes.

*Report on counterproliferation activities and programs (sec. 1070)*

The House amendment contained a provision (sec. 1066) that would require the Secretary of Defense to submit to the congressional defense committees a report on the counterproliferation activities and programs of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require a single report no later than July 1, 2017.

*Report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities (sec. 1071)*

The House amendment contained a provision (sec. 1071) that would require a report on testing and integration of minehunting sonar systems to improve Littoral Combat Ship minehunting capabilities.

The Senate bill contained no similar provision.

The Senate recedes.

*Quarterly reports on parachute jumps conducted at Fort Bragg and Pope Army Airfield and Air Force support for such jumps (sec. 1072)*

The House amendment contained a provision (Sec. 1073) that would direct the Secretary of the Air Force and the Secretary of the Army to submit to the Committees on Armed Services of the House of Representatives and the Senate quarterly reports that contain information regarding parachute drop requirements for the XVIII Airborne Corps, the 82nd Airborne Division, and the United States Army Special Operations Command.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that adjusts the end date of the reporting period and clarifies the elements required in the reports.

*Study on military helicopter noise (sec. 1073)*

The House amendment contained a provision (Sec. 1098D) that would require the Secretary of Defense, in coordination with the Administrator of the Federal Aviation Administration to conduct a study on the effects of and provide recommendations for the reduction of military helicopter noise on the National Capital Region.

The Senate bill contained no similar provision.

The Senate recedes.

*Independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility (sec. 1074)*

The Senate bill contained a provision (sec. 1042) that would require an independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility be submit to Congress beginning in 2018 and recurring every four years thereafter.

The House amendment contained no similar provision.

The House recedes with an amendment that would require one independent review to be completed by September 1, 2018.

*Assessment of the joint ground forces of the Armed Forces (sec. 1075)*

The Senate bill contained a provision (Sec. 1077) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee a comprehensive assessment of the joint ground forces and provide a report on the assessment's findings no later than one year after the enactment of this act.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, and the Commandant of the Marine Corps, to oversee an assessment of the joint ground forces of the Armed Forces, and provide a report on the assessment's findings to the Committees on Armed Services of the Senate and the House of Representatives not later than one year after the enactment of this Act. The report shall include an assessment by the Chief of Staff of the Army and the Commandant of the Marine Corps of any specific gaps in the capability and capacity of the Army and Marine Corps, respectively, that threaten the successful execution of decisive operational maneuver.

Subtitle G—Other Matters

*Technical and clerical amendments (sec. 1081)*

The Senate bill contained a provision (sec. 1058) that would make technical and clerical corrections to title 10, United States Code, and various National Defense Authorization Acts.

The House amendment contained a similar provision (sec. 1081).

The Senate recedes with an amendment making additional technical and clerical amendments.

*Increase in maximum amount available for equipment, services, and supplies provided for humanitarian demining assistance (sec. 1082)*

The House amendment contained a provision (sec. 1083) that would raise the monetary cap in section 407 of title 10, United States Code, for the cost of equipment, services, and supplies for humanitarian demining assistance and stockpiled conventional munitions assistance provided by the Department of Defense, from \$10.0 million to \$15.0 million in any fiscal year.

The Senate bill contained no similar provision.

The Senate recedes.

*Liquidation of unpaid credits accrued as a result of transactions under a cross-servicing agreement (sec. 1083)*

The House amendment contained a provision (sec. 1084) that would amend section 2345 of title 10, United States Code, to provide the Secretary of Defense with the discretionary authority to liquidate unpaid debts owed to the United States by a foreign government or international organization as a result of the Department of Defense providing logistic support, supplies, or services to that foreign government or international organization.

The Senate bill contained no similar provision.

The Senate recedes.

*Modification of requirements relating to management of military technicians (sec. 1084)*

The House amendment contained a provision (sec. 1088) that would delay the implementation date of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) until October 1, 2017 and align the date of conversion for military technicians (non-dual status) with military technicians (dual status).

The Senate bill contained a similar provision (sec. 1048).

The Senate recedes with an amendment that would clarify that the Secretary of Defense will continue to play a role in the conversion of positions.

*Streamlining of the National Security Council (sec. 1085)*

The Senate bill contained a provision (sec. 1089) that would streamline the statutory requirements for the National Security Council (NSC) and limit the size of the NSC's professional staff to 150, to include detailees and assignees from other agencies and Departments and contractors.

The House amendment contained a similar provision (sec. 926).

The House recedes with an amendment to increase the cap to 200 professional personnel, to include a transition period for the personnel cap of 18 months, and to make other technical changes.

*National biodefense strategy (sec. 1086)*

The House amendment contained a provision (sec. 1086) that would require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to jointly develop and submit to the appropriate congressional committees, within 275 days after the date of the enactment of this Act, a national bio defense strategy and implementation plan. This section would also require the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture to provide a joint briefing to the appropriate congressional committees annually, starting March 1, 2017, and ending March 1, 2019, on the strategy and status of its implementation. This section would also require the Comptroller General of the United States to submit a report to the appropriate congressional committees, within 180 days of submission of the national biodefense strategy, on a gap analysis of the national biodefense strategy and its implementation plan.

The Senate bill contained no similar provision.

The Senate recedes.

*Global Cultural Knowledge Network (sec. 1087)*

The House amendment contained a provision (Sec. 1087) that would require the Secretary of the Army to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

The Senate bill contained no similar provision.

The Senate recedes with amendment.

*Sense of Congress regarding Connecticut's Submarine Century (sec. 1088)*

The House amendment contained a provision (sec. 1089) that would express the sense of Congress commending the dedication and contributions of the people of Connecticut to the Navy and the submarine force.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Sense of Congress regarding the reporting of the MV-22 mishap in Marana, Arizona, on April 8, 2000 (sec. 1089)*

The House amendment contained a provision (Sec. 1091) that would state that the Deputy Secretary of Defense did an excellent job reviewing the investigation of this mishap.

The Senate bill contained no similar provision.

The Senate recedes.

*Cost of wars (sec. 1090)*

The House amendment contained a provision (sec. 1098G) that would require the Secretary of Defense, in consultation with the

Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, to post the costs, including legacy costs, to the American taxpayers of the wars in Afghanistan, Iraq, and Syria.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would remove the requirement to provide the legacy costs of the wars.

*Reconnaissance Strike Group matters (sec. 1091)*

The Senate bill contained a provision (sec. 1045) that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG), and require a report no later than one year after the enactment of this Act that explicitly addresses the value of a follow-on pilot program to test further any promising alternative force designs and concept of operation. The provision would also require the Secretary of Defense to direct an appropriate combatant commander to establish an office for the testing, evaluation, development and validation of the RSG's joint warfighting concepts, required platforms and structure.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the Army, in consultation with the Commanding General, U.S. European Command, to each conduct a separate analysis of RSG organizational design and operational concepts and provide a report to the Committees on Armed Services of the Senate and House of Representatives on the results of these analysis. The amendment would also require a Federally Funded Research and Development Center or 501(c)(3) to review and evaluate the reports.

*Border security metrics (sec. 1092)*

The Senate bill contained a provision (sec. 1091) that would require the Secretary of Homeland Security to develop metrics to measure the effectiveness of security at ports of entry, between ports of entry, and in the maritime environment not later than 120 days after the enactment of this Act.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier (sec. 1093)*

The Senate bill contained a provision (sec. 1094) that would require the Secretary of Defense to conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.

The House amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding the OCONUS basing of the KC-46A aircraft (sec. 1094)*

The Senate bill contained a provision (Sec. 1095) that would express the sense of the Congress regarding the basing of KC-46A tanker aircraft outside of the continental United States.

The House amendment contained no similar provision.

The House recedes.

*Designation of a Department of Defense Strategic Arctic Port (sec. 1095)*

The Senate bill contained a provision (sec. 1043) that would require not later than 180 days after enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States

Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, to submit a report to the congressional defense committees assessing the future security requirements for one or more strategic ports in the Arctic. The provision would further require the Secretary to establish designation criteria for a Department of Defense "Strategic Arctic Port" and submit recommendations for the designation of one or more such ports, including estimated costs for sufficient construction to initiate and sustain expected operations.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*RECOVERY OF EXCESS RIFLES, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS (SEC. 1096)*

The Senate bill contained a provision (sec. 1056) that would authorize the Secretary of the Army to acquire from any person any rifle, ammunition, repair parts, or other supplies provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 and have become excess to the needs of such country. The Secretary of the Army may not acquire items if the United States would incur any cost for such acquisition. Rifles, ammunition, repair parts, or supplies shall be available for transfer to persons who are licensed manufacturers, importers, or dealers pursuant to section 923(a) of title 18 or uses an Army ammunition depot.

The House amendment contained a similar provision (sec. 1098K)

The Senate recedes with an amendment that would allow the Secretary of the Army to recover items so long as the Army receives fair market value and the items are transferred in accordance with the Arms Export Control Act. The Secretary of the Army is directed to provide a report, not later than 180 days after the enactment of the Act, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, on the acquisition and transfer of excess rifles, ammunition, repair parts, other supplies eligible for transfer.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Delegation to Chairman of Joint Chiefs of Staff of authority to direct transfer of forces*

The Senate bill contained a provision (sec. 922) that would amend section 113 of title 10, United States Code, to allow the Secretary of Defense to delegate some authority to the Chairman of the Joint Chiefs of Staff for the worldwide reallocation of limited military assets on a short-term basis, consistent with the Secretary's policy guidance and the national defense strategy.

The House amendment contained no similar provision.

The Senate recedes.

*Management of Defense clandestine human intelligence collection*

The Senate bill contained a provision (sec. 945) that would require the Secretary of Defense, in coordination with the Director of National Intelligence, to carry out a pilot program to assess the feasibility and advisability of establishing a military division within the Directorate of Operations of the Central Intelligence Agency.

The House amendment contained no similar provision.

The Senate recedes.

*Extension of authority to provide additional support for counter-drug activities of foreign governments*

The House amendment contained a provision (sec. 1011) that would amend section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by extending the authority to provide additional support for counter-drug activities of foreign governments to September 30, 2019.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of friendly foreign nations to conduct specified operations, to include counter-drug and counter-transnational organized crime operations. The conferees intend for activities conducted to date under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to be conducted under the new building partnership capacity authority.

*Funding for counter narcotics operations*

The House amendment contained a provision (sec. 1015) that would increase the amount authorized to be appropriated for drug interdiction and counterdrug activities by \$3 million.

The Senate bill contained no similar provision.

The House recedes.

*Report on efforts of United States Southern Command to detect and monitor drug trafficking*

The House amendment contained a provision (sec. 1016) that would require the Secretary of Defense to submit to Congress a report on the effectiveness of efforts by United States Southern Command to limit threats to the national security of the United States by detecting and monitoring drug trafficking, specifically heroin and fentanyl.

The Senate bill contained no similar provision.

The House recedes.

The conferees remain concerned about the trafficking of illicit drugs into the United States, particularly heroin and fentanyl, and the devastating impact these substances are having on communities. The conferees urge the Department of Defense, in coordination with the interagency, to continue efforts to combat the flow of drugs into the United States.

*Prohibition on reprogramming requests for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba*

The Senate bill contained a provision (sec. 1022A) that would prohibit the Department of Defense from submitting reprogramming requests to Congress for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

*Designing and planning related to construction of certain facilities in the United States*

The Senate bill contained a provision (sec. 1023) that would authorize the Secretary of Defense to use amounts authorized to be appropriated for the Department of Defense for

designing and planning related to the construction or modification of facilities in the United States to house individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

*Authority to transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States temporarily for emergency or critical medical treatment*

The Senate bill contained a provision (sec. 1024) that would authorize the temporary transfer of individuals detained at United States Naval Station, Guantanamo Bay, Cuba to the United States for necessary medical treatment that is not available at Guantanamo.

The House amendment contained no similar provision.

The Senate recedes.

*Authority for Article III judges to take certain actions relating to individuals detained at United States Naval Station, Guantanamo Bay, Cuba*

The Senate bill contained a provision (sec. 1025) that would authorize a judge of the United States District Court to have jurisdiction to use video teleconferencing to arraign, accept a plea to a charge from, and enter a judgment of conviction and sentencing against individuals held at United States Naval Station, Guantanamo Bay, Cuba.

The House amendment contained no similar provision.

The Senate recedes.

*Requirement for Memorandum of Understanding Regarding Transfer of Detainees*

The Senate bill contained a provision (sec. 1027) that would require any certification by the Secretary of Defense provided pursuant to Section 1034(b) of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) to include a requirement that the United States and the foreign government of transfer have entered into a written memorandum of understanding regarding the transfer of the individual and the memorandum of understanding has been provided to the appropriate congressional committees.

The House amendment contained a similar provision (sec. 1098B).

The conference agreement does not contain this provision.

*Limitation on transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, pending a report on their terrorist activities and affiliations*

The Senate bill contained a provision (sec. 1028) that would require, prior to transferring any individual detained at United States Naval Station, Guantanamo Bay, Cuba to any foreign government or entity, that the Secretary of Defense submit to appropriate committees of Congress a report on the individuals' previous terrorist activities.

The House amendment contained no similar provision.

The Senate recedes.

*Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to countries covered by Department of State travel warnings*

The Senate bill contained a provision (sec. 1029) that would prohibit the use of funds to transfer any individual held at United States Naval Station, Guantanamo Bay, Cuba, to a foreign country that is the subject of a State Department travel warning with certain exceptions.

The House amendment contained no similar provision.

The Senate recedes.

*Restrictions on the overhaul and repair of vessels in foreign shipyards*

The House amendment contained a provision (sec. 1025) that would amend section 7310(b)

(1) of title 10, United States Code, to prohibit the Department of the Navy from performing any overhaul, repair, or maintenance work that takes longer than six months in foreign shipyards.

The Senate bill contained no similar provision.

The House recedes.

*Restrictions on use of rocket engines from the Russian Federation for space launch of national security satellites*

The Senate bill contained a provision (sec. 1036) that would prohibit the Secretary of Defense from launching any national security satellite with a launch vehicle requiring a rocket engine designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.

The Senate recedes.

*Limitations on use of rocket engines from the Russian Federation to achieve assured access to space*

The Senate bill contained a provision (sec. 1037) that would amend section 2273(b) of title 10, United States Code, to require that assured access to space be achieved without the use of rocket engines designed or manufactured in the Russian Federation.

The House amendment contained no similar provision.

The Senate recedes.

*Transportation on military aircraft on a space-available basis for members and former members of the Armed Forces with disabilities rated as total*

The House amendment contained a provision (sec. 1046) that would amend section 2641b of title 10, United States Code, to authorize space-available travel for disabled veterans with a service-connected, permanent disability rated as total by the Department of Defense.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, by not later than March 1, 2017, a report clarifying the retirement and benefit eligibility status of certain disabled veterans. The report will identify with particularity any differences in the "retired" status, or benefit eligibility status, for servicemembers who otherwise meet the current statutory standards for disability retirement, but who may not be retired owing to the timing of the enactment of disability retirement changes, particularly the enactment of sections 534 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) and 513 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) which redefined disability and retirement eligibility under section 1204 of title 10, United States Code. The conferees are aware that at least in some cases, veterans may have been separated for disability who now meet disability retirement eligibility.

The report shall describe all available processes or procedures by which a veteran who believes they should be designated as "retired" may seek redesignation by appeal to the boards for correction of military or naval records or through some other process. Finally, the Secretary of Defense will identify the number of individuals who may be eligible for redesignation under the processes or procedures so identified.

The conferees are committed to ensuring every veteran is afforded all the rights and benefits to which they are entitled under the law, especially those who are disabled with a service-connected, permanent disability.

*National Guard flyovers of public events*

The House amendment contained a provision (sec. 1047) that would prohibit all National Guard flyovers of public events in support of community relations activities unless flown as part of an approved training mission.

The Senate bill contained no similar provision.

The House recedes.

*Application of Freedom of Information Act to the National Security Council*

The House amendment contained a provision (sec. 1048) that would apply the Freedom of Information Act (5 U.S.C. 552) to the National Security Council in certain circumstances.

The Senate bill contained no similar provision.

The House recedes.

*Exemption of information on military tactics, techniques, and procedures from release under Freedom of Information Act*

The Senate bill contained a provision (sec. 1054) that would amend section 130e of title 10, United States Code, to authorize the Secretary of Defense to exempt information related to military tactics, techniques, and procedures from public disclosure if the information could reasonably be expected to risk impairment of the effective operation of the Department of Defense by providing an advantage to an adversary or potential adversary, and the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

The House amendment contained no similar provision.

The Senate recedes.

*Annual report on personnel, training, and equipment requirements for the non-federalized National Guard to support civilian authorities in prevention and response to domestic disasters*

The House amendment contained a provision (sec. 1069) that would modify the reporting requirement of section 10504 of title 10, United States Code, to include a report on non-federalized National Guard personnel, training, and equipment requirements.

The Senate bill contained no similar provision.

The House recedes.

*Briefing on criteria for determining locations of Air Force Installation and Mission Support Center headquarters*

The House amendment contained a provision (sec. 1070) that would require the Secretary of the Air Force to brief the congressional defense committees on the Air Force's process and reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria for the Air Force Installation and Mission Support Center headquarters strategic basing process.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Air Force to provide the congressional defense committees with a briefing by March 1, 2017 on the criteria used for determining locations of Air Force Installation and Mission Support Center headquarters, specifically the reasoning for using proximity to primary medium commercial hub airports as part of the mission criteria.

*Briefing on real property inventory*

The House amendment contained a provision (sec. 1074) that would require the Sec-

retary of Defense to brief the Committee on Armed Services of the House of Representatives on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing by March 1, 2017 on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.

*Report on adjustment and diversification assistance*

The House amendment contained a provision (sec. 1075) that would require the Secretary of Defense to provide a briefing on the adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide to the Committee on Armed Services of the House of Representatives a briefing on the adjustment and diversification assistance authorized by subsections (b) and (c) of section 2391 of title 10, United States Code. Such briefing shall be provided not later than 90 days after the date of the enactment of this Act and shall include each of the following:

(1) A description of the activities and programs currently being conducted under subsections (b)(1) and (c) of such section, including a list of the recipients of grants, and amount received by each recipient, of such activities and programs in each of the five most recent fiscal years.

(2) For each of the five fiscal years preceding the fiscal year during which the briefing is conducted, separate estimates of the funding the Department of Defense has directed to activities under each of clauses (A) through (E) of paragraph (1) of subsection (b) and under subsection (c) of such section and the recipients of such funding.

*Briefing on the protection of personally identifying information of members of the Armed Forces*

The House amendment contained a provision (sec. 1076) that would require the Secretary of Defense to provide the congressional defense committees a briefing on the efforts of the Department of Defense to protect the personally identifiable information of members of the Armed Forces and their families.

The Senate bill contained no similar provision.

The House recedes.

The conferees are concerned about the impact of recent, significant disclosures of personally identifiable information of service members, government civilians and their families as a result of lax information security practices at the Office of Personnel Management. Coupled with similar breeches occurring in the private sector that have resulted in sensitive personal information, including credit information and medical records, being released to unknown parties, the conferees recognize that such breaches have the potential to jeopardize both the financial security as well as the physical security of these individuals. The conferees urge the Department of Defense to continue to strengthen ongoing initiatives and to develop and implement new initiatives to protect the personally identifiable information of members of the Armed Forces, government civilians, and their families. Further, the conferees expect the Department to keep

the Committees on Armed Services of the Senate and the House of Representatives informed of any challenges associated with these initiatives, as well as any trends related to fraudulent or suspicious activity that targets the personally identifiable information of members of the Armed Forces, government civilians, and their families.

*Report on priorities for bed downs, basing criteria, and special mission units for C-130J aircraft of the Air Force*

The Senate bill contained a provision (Sec. 1085) that would direct the Secretary of the Air Force to submit a report to the congressional defense committees on the overall prioritization, bed downs, basing criteria, and unit conversion priorities for C-130J aircraft and special mission units of the Air Force Reserve Command, Air National Guard, and the regular Air Force.

The House amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force, not later than February 1, 2017, to submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C-130J aircraft unit bed downs;

(2) The strategic basing criteria of the Air Force for C-130J aircraft unit conversions;

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities; and,

(4) Such other information relating to C-130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

*Clarification of contracts covered by airlift service provision*

The House amendment contained a provision (sec. 1085) that would amend section 9516 of title 10, United States Code, to define "contract for airlift service" to include any contract or subcontract that may be utilized in the performance of airlift service or transportation services.

The Senate bill contained no similar provision.

The House recedes.

*LNG permitting certainty and transparency*

The House amendment contained a provision (sec. 1090) that would require the Department of Energy to issue a final decision on any application for the authorization to export natural gas not later than 30 days after completing an environmental review or the date of enactment of this Act.

The Senate bill contained no similar provision.

The House recedes.

*Transfer of surplus firearms to Corporation for the Promotion of Rifle Practice and Firearms Safety*

The House amendment contained a provision (sec. 1092) that would amend section 40728(h) of title 26, United States Code, by changing the authority of the Secretary of the Army from permissive to directive and striking the limitation of 10,000 .45 caliber M1911/M1911A1 pistols.

The Senate bill contained no similar provision.

The House recedes.

*Sense of Congress regarding the importance of Panama City, Florida, to the history and future of the Armed Forces*

The House amendment contained a provision (sec. 1093) that would express the Sense of Congress on the role of Panama City, Florida to the Armed Forces of the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that Panama City, Florida has long played an important role in the development and support of the United States armed forces.

*Protection against misuse of Naval Special Warfare Command insignia*

The Senate bill contained a provision (sec. 1093) that would add a new section 7882 to title 10, United States Code, to prohibit a person from using any covered Naval Special Warfare insignia in connection with any promotion, service or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy, and to authorize the Attorney General to initiate civil proceedings to prevent unauthorized use of such insignia.

The House amendment contained no similar provision.

The Senate recedes.

*Protections relating to civil rights and disabilities*

The House amendment contained a provision (sec. 1094) that would require any branch or agency of the federal government to provide the protection and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (sections 2000e-1(a) and 2000e-2(e) of title 42, United States Code) and section 103(d) of the Americans with Disabilities Act of 1990 (section 12113(d) of title 42, United States Code) with respect to any religious corporation, religious association, religious educational institution, or religious society that is a recipient of or offeror for a federal government contract, grant or similar arrangement.

The Senate bill contained no similar provision.

The House recedes.

*Determination and disclosure of transportation costs incurred by Secretary of Defense for congressional trips outside the United States*

The House amendment contained a provision (sec. 1096) that would require the Secretary of Defense to determine and disclose the transportation costs incurred by the Department of Defense for certain congressional trips outside the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees continue to support public disclosure of official travel by Members, officers, and employees of the Senate and the House of Representatives. To this end, the conferees note that section 1754(b) of title 22, United States Code, contains reporting and disclosure requirements for congressional travel outside the United States, including a requirement for reports to be open to public inspection and published in the Congressional Record. The conferees recognize that there are circumstances under which transportation provided by the Department of Defense best meets the needs of congressional delegations, ranging from protecting the safety and security of the delegations, expediency, and accessing destinations that have little or no commercial air service. The conferees further note that the Committees on Armed Services of the Senate and the House of Representatives each maintain policies and processes to provide further oversight of travel requests by members and employees of the committees.

*Sense of Congress regarding American veterans disabled for life*

The House amendment contained a provision (sec. 1098C) that would express the sense

of Congress regarding American veterans disabled for life.

The Senate bill contained no similar provision.

The House recedes.

*Maritime Occupational Safety and Health Advisory Committee*

The House amendment contained a provision (sec. 1098E) that would establish a Maritime Occupational Safety and Health Advisory Committee.

The Senate bill contained no similar provision.

The House recedes.

*Sense of Congress regarding United States Northern Command Preparedness*

The House amendment contained a provision (sec. 1098F) that would express the sense of the Congress related to the preparedness of United States Northern Command.

The Senate bill contained no similar provision.

The House recedes.

The conferees note the important role of United States Northern Command in domestic disaster relief and consequence management operations. The conferees encourage United States Northern Command to build on current efforts and leverage, where possible, existing training and management expertise within the Department and other available resources to support this important mission.

*Workforce issues for relocation of marines to Guam*

The House amendment contained a provision (sec. 1098H) that would grant the U.S. Citizenship Immigration Services flexibility to approve H-2B visa application renewals for contractors performing work on Guam for the duration of the construction plans supporting the realignment of U.S. Marines to Guam.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives and the Committees on the Judiciary of the Senate and the House of Representatives no later than April 1, 2017, regarding the impacts the current H-2B visa program and renewal process have on the relocation of U.S. Marine forces to Guam. At minimum, the report should include the following elements:

(1) A description of the impacts to the cost and schedule of the relocation of U.S. Marine forces to Guam;

(2) A description of the impacts to U.S. bilateral and multilateral relations and agreements in the Pacific;

(3) A description of the specific impacts for the military construction program required to support the relocation of U.S. Marine forces to Guam;

(4) A description of the specific impacts on the delivery of healthcare to support the relocation of U.S. Marine forces to Guam as well as challenges to providing health care on Guam as identified in the supplemental environmental impact statement;

(5) Any other such information as the Secretary believes is relevant to workforce issues for the relocation of U.S. Marines to Guam; and

(6) If the Secretary believes that changes to the statute governing the non-immigrant worker program described above are necessary in order to mitigate adverse impacts to the cost or schedule of the military construction program, or the delivery of healthcare, required to support the relocation of U.S. Marine forces to Guam, the Secretary, in coordination with the Director of

U.S. Citizenship and Immigration Services, is encouraged to include a legislative proposal that would mitigate the impacts described in the report.

*Review of Department of Defense debt collection regulations*

The House amendment contained a provision (sec. 1098I) that would require the Secretary of Defense to review and update Department of Defense regulations to ensure such regulations comply with Federal consumer protection law with respect to the collection of debt.

The Senate bill contained no similar provision.

The House recedes.

*Importance of role played by women in World War II*

The House amendment contained a provision (sec. 1098J) that would express the sense of Congress in acknowledging the important role played by women in World War II.

The Senate bill contained no similar provision.

The House recedes.

The conferees note, with gratitude, the enduring legacy and example of patriotic service by those women who worked and volunteered on the home front in support of the military overseas.

*Prohibition on modification, abrogation, or other related actions with respect to United States jurisdiction and control over United States Naval Station, Guantanamo Bay, Cuba, without congressional action*

The House amendment contained provisions (secs. 1099, 1099A–C) that prohibit action to modify, abrogate, or replace the stipulations, agreements, and commitments in the Guantanamo Lease Agreements, or to impair or abandon the jurisdiction of the United States over United States Naval Station, Guantanamo Bay, Cuba, without congressional action.

The Senate bill contained no similar provision.

The House recedes.

*Pilot's Bill of Rights 2*

The Senate bill contained a series of provisions (sec. 3301, 3302, 3303, 3304, 3305, 3306, and 3307) that would establish Federal Aviation Administration third class medical reform and general aviation pilot protections, "The Pilots Bill of Rights 2".

The House amendment contained no similar provisions.

The Senate recedes on these provisions.

*Comprehensive strategy for detention of certain individuals*

The House amendment contained a provision that would require the Secretary of Defense, in consultation with the Attorney General and the Director of National Intelligence, to submit a report to the appropriate congressional committees by July 19, 2017, setting forth the details of a comprehensive strategy for the detention of individuals captured and held pursuant to the Authorization of the Use of Military Force (Public Law 107-40) pending the end of hostilities.

The Senate bill contained no similar provision.

The House recedes.

*Declassification of information on past terrorist activities of detainees transferred from United States Naval Station, Guantanamo Bay, Cuba*

The House amendment contained a provision that would require the Director of National Intelligence to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center prior to Periodic Review Board sessions or detainee transfers on the past terrorist

activities of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who were transferred or released from United States Naval Station, Guantanamo Bay, Cuba, and make any information declassified available to the public.

The Senate bill contained no similar provision.

The House recedes.

#### TITLE XI—CIVILIAN PERSONNEL MATTERS

##### Subtitle A—Department of Defense Matters Generally

###### *Civilian personnel management (sec. 1101)*

The Senate bill contained a provision (sec. 1101) that would modify Section 129 of title 10, United States Code to remove restrictions on managing civilian personnel within the Department of Defense on the basis of man years, end strength, full-time equivalent positions, or maximum number of employees. The provision would add a new section requiring a report no later than February 1 of each year from the Secretary of Defense to the congressional defense committees on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities. The provision would require the Secretary of each military department to submit a report on the management of the civilian workforce under the jurisdiction of each Secretary which provides for the projected size of the civilian workforce in the current year and for each year in the future-years defense program to include a justification of any projected increases.

The House amendment contained no similar provision.

The House recedes.

###### *Repeal of requirement for annual strategic workforce plan for the Department of Defense (sec. 1102)*

The Senate bill contained a provision (sec. 1102) that would repeal the reporting requirement for the Department of Defense to submit a biennial strategic workforce plan, as contained in section 115b of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

###### *Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command (sec. 1103)*

The Senate bill contained a provision (sec. 1103) that would require training for employment and human resources personnel at the Department of Defense on special recruitment, hiring, special pays, and retention authorities for positions at United States Cyber Command. In addition to training, written guidance would also be required to inform such employees of the Department of Defense on which authorities are available and how to use those authorities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

###### *Public-private talent exchange (sec. 1104)*

The Senate bill contained a provision (sec. 1104) that would allow Department of Defense employees to work in the private sector and private industry employees to work within the Department of Defense. Exchanges would encourage Department of Defense employees to gain skills that align with functional communities or occupational specialties.

The House amendment contained a similar provision (sec. 1113).

The Senate recedes with an amendment that would clarify the conditions under which a temporary assignment of an em-

ployee of the Department of Defense may be made and the terms and conditions for private-sector employees assigned to a Department of Defense organization.

The conferees note that as this authority would build on programs like the Intergovernmental Personnel Act (IPA), the committee understands that the Department of Defense has established procedures for monitoring and controlling salaries and expenses for the IPA program, including a limitation on salaries that may be paid or reimbursed for IPAs, and expects that such constraints will be applied to the pilot authorized by this provision.

###### *Temporary and term appointments in the competitive service in the Department of Defense (sec. 1105)*

The Senate bill contained a provision (sec. 1105) that would allow non-competitive appointments to Department of Defense temporary and term positions for no more than 18 months without the possibility of extension.

The House amendment contained no similar provision.

The House recedes.

###### *Direct-hire authority for the Department of Defense for post-secondary students and recent graduates (sec. 1106)*

The Senate bill contained a provision (sec. 1106) that would establish a Department of Defense (DoD) civilian on-campus recruiting authority under title 10 as an alternative to the federal government-wide Pathways program (established by Executive Order 13562) and other Title 5 hiring authorities. This proposal would facilitate DoD recruiters' efforts to recruit students directly to civilian positions using a new hiring authority expressly designed for this purpose. Hiring managers and recruiters, who already travel to specific schools with programs they want to target, would be able to involve candidates in a rigorous interview process, and make conditional offers on the spot. This would allow DoD to compete for highly qualified students and recent graduates. This authority would be limited to no more than 15 percent of the total number of hires made into professional and administrative occupations of the Department at the GS-11 level and below annually and would sunset four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2021 and require the Secretary of Defense, to the extent practical, to provide public notice and advertising of positions offered under this authority.

###### *Temporary increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense (sec. 1107)*

The Senate bill contained a provision (sec. 1107) that would increase the maximum amount of separation pay authorized for Voluntary Separation Incentive Pay (VSIP) from the current ceiling of \$25,000 to \$40,000 for civilian employees of the Department of Defense. This increased maximum amount would adjust for inflation from when VSIP was first authorized for the Department of Defense in 1993. The Chief Human Capital Officers Act of 2002 (Public Law 107-296) provided government-wide authority to provide VSIP. The maximum payable amount has not been adjusted since VSIP was first authorized.

The House amendment contained no similar provision.

The House recedes with an amendment that would sunset the provision on September 30, 2018.

###### *Extension of the rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan (sec. 1108)*

The Senate bill contains a provision (sec. 1136) that would amend sections 5542 and 5544 of title 5, United States Code, to allow overtime pay equal to one and one-half times the hourly rate of basic pay for nonexempt Federal civilian employees assigned to temporary duty travel in exempt areas as defined by the Fair Labor Standards Act of 1938.

The House amendment contains no similar provision.

The House recedes with an amendment that would extend the authority to pay overtime to Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan through September 30, 2018.

###### *Limitation on number of DOD SES positions (sec. 1109)*

The Senate bill contained a provision (sec. 1112) that would limit the number of employees at the Department of Defense who are in the Senior Executive Service (SES). The limitation in this provision would reduce by 25 percent the number of covered SES employees of the Department, which were employed on December 31, 2015. The reduction required by this provision would be effective on January 1, 2019. Covered SES employees would not include "Highly Qualified Experts," which the provision limits to 200. The limitation would not apply to those employees of the Department who are appointed by the President and confirmed by the Senate.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the number of senior executives authorized for the Department of Defense to 1,260, and Highly Qualified Experts to 200.

###### *Direct hire authority for financial management experts into the Department of Defense workforce (sec. 1110)*

The Senate bill contained a provision (sec. 1105) that would provide each secretary of a military department with the authority to appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree to financial management, accounting, auditing, and actuarial positions within the Department of Defense workforce. The authority would be limited to 10 percent of the total number of finance, accounting, management, actuarial science, or financial management positions within each military department that are filled as of the close of the fiscal year last ending before the start of such calendar year. The authority would expire on January 1, 2023.

The House amendment contained no similar provision.

The House recedes with an amendment that would include within this direct appointment authority those possessing a degree or related experience with business administration.

###### *Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement (sec. 1111)*

The Senate bill contained a provision (sec. 1110) that would amend section 3326 of title 5, United States Code, to repeal subsection (b)(3) which allows the Secretary concerned to waive the restriction on the appointment of retired members of the armed forces to positions in the civil service in the Department

of Defense within 180 days of their retirement based on a state of national emergency.

The House amendment contained no similar provision.

The House recesses.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

*Permanent personnel management authority for the Department of Defense for experts in science and engineering (sec. 1121)*

The Senate bill contained a provision (sec. 1121) that would support efforts by the Defense Advanced Research Projects Agency to attract, recruit, and employ world-class scientific, technical, and engineering talent to manage and oversee the innovative research and technology development programs of the agency. The provision would make permanent and codify the current experimental personnel authority that the agency has quite successfully employed, as well as preserve the agency's ability to compete with the private sector for technical talent through flexibility in setting compensation levels.

The House amendment contained a similar provision (sec. 1105) that would remove the sunset date and annual reporting requirement for these authorities and codify them in chapter 81 of title 10, United States Code.

The House recesses with a technical amendment.

*Codification and modification of certain authorities for certain positions at Department of Defense research and engineering laboratories (sec. 1122)*

The Senate bill contained a provision (sec. 1122) that would increase the limit from 3 percent to 10 percent on the total number of student employees eligible for direct hire by the directors of the Department of Defense science and technology reinvention laboratories. The provision would also make this authority permanent.

The House amendment contained no similar provision.

The House recesses with an amendment to codify this authority in chapter 139 of Title 10, United States Code.

*Modification to information technology personnel exchange program (sec. 1123)*

The Senate bill contained a provision (sec. 1124) that would make the Department of Defense's Information Technology Exchange Program permanent.

The House amendment contained a similar provision (sec. 1106) that would expand the scope of the program to include cyber operations personnel, and increase the number of personnel that could be exchanged from 10 to 50.

The Senate recesses with an amendment to extend the sunset of the program from 2018 to 2022.

*Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense (sec. 1124)*

The Senate bill contained a provision (sec. 1125) that would give Department of Defense science and technology laboratories the authority to offer compensation for certain positions requiring extremely high levels of experience above the maximum amount normally allowed by the executive schedule.

The House amendment contained no similar provision.

The House recesses.

*Temporary direct hire authority for domestic defense industrial base facilities, the Major Range and Test Facilities Base, and the Office of the Director of Operational Test and Evaluation (sec. 1125)*

The Senate bill contained a provision (sec. 1123) that would give the directors of Depart-

ment of Defense test and evaluations facilities the same direct hire authorities already provided to the directors of the Department's science and technology laboratories.

The House amendment contained a similar provision (sec. 1101) that would provide direct hire authority for Department of Defense industrial base facilities located in the United States, as well as the Major Range and Test Facilities Base.

The Senate recesses with an amendment to clarify and enhance several aspects of the authorities.

The conferees direct the Secretary of Defense to provide a briefing to the House and Senate Armed Services Committees as well as the House Committee on Oversight and Government Reform and the Senate Homeland Security and Governmental Affairs Committee, not later than 60 days after the end of fiscal year 2018 and again each year until the temporary authorities expire, on the effectiveness of all direct hire authorities granted in this Act in fulfilling the civilian manpower needs of the Department.

Subtitle C—Government-Wide Matters

*Elimination of two-year eligibility limitation for noncompetitive appointment of spouses of members of the Armed Forces (sec. 1131)*

The House amendment contained a provision (sec. 574) that would specify that there is no time limitation on a relocating spouse's eligibility for noncompetitive appointment from the date of the servicemember's permanent change of station orders to the spouse's permanent appointment per duty station.

The Senate bill contained a similar provision (sec. 1113).

The Senate recesses.

*Temporary personnel flexibilities for domestic defense industrial base facilities and Major Range and Test Facilities Base civilian personnel (sec. 1132)*

The House amendment contained a provision (sec. 1102) that would allow Department of Defense industrial base facilities located in the United States and Major Range and Test Facilities Base centers to hire temporary employees into permanent positions outside of the requirements of the competitive services.

The Senate bill contained no similar provision.

The Senate recesses with an amendment to clarify the benefits available to such personnel.

*One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone (sec. 1133)*

The House amendment contained a provision (sec. 1103) that would extend by 1 year the discretionary authority of the head of a federal agency to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to an agency's civilian employees on official duty in a combat zone.

The Senate bill contained a similar provision (sec. 1152).

The Senate recesses.

*Advance payments for employees relocating within the United States and its territories (sec. 1134)*

The Senate bill contained a provision (sec. 1135) that would authorize the use of advance payment of basic pay for current employees who relocate within the United States and its territories to a location outside the employee's current commuting area. Advance payment of basic pay under this provision would be limited in amount to not more than two pay periods.

The House amendment contained a similar provision (sec. 1104) that would limit the amount to not more than six pay periods.

The Senate recesses with an amendment that would limit the amount to not more than four pay periods.

*Eligibility of employees in a time-limited appointment to compete for a permanent appointment at any Federal agency (sec. 1135)*

The House amendment contained a provision (sec. 1108) that would modify section 9602 of title 5, United States Code, to clarify the eligibility of employees of a land management agency in a time-limited appointment to compete for a permanent appointment at any Federal agency.

The Senate bill contained a similar provision (sec. 1131).

The Senate recesses.

*Review of official personnel file of former Federal employee before rehiring (sec. 1136)*

The House amendment contained an amendment (sec. 1111) that would require an appointing authority to review and consider the information relating to a prospective employee's former government service in the candidate's official personnel record file prior to making any determination with respect to the appointment or reinstatement of the employee to such a person.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would clarify which types of information an appointing authority should review.

*One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1137)*

The Senate bill contained a provision (sec. 1137) that would amend section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section as amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to extend through 2017 the authority of heads of executive agencies to waive limitation on the aggregate of basic and premium pay of employees who perform work in an overseas location that is in the area of responsibility of the commander, U.S. Central Command (CENTCOM), or a location that was formerly in CENTCOM but has been moved to an area of responsibility for the Commander, U.S. Africa Command, in support of a military operation or an operation in response to a declared emergency.

The House amendment contained no similar provision.

The House recesses.

*Administrative leave (sec. 1138)*

The House amendment contained a provision (sec. 1109) that would provide that a Federal employee may not be placed on administrative leave, or other paid non-duty status without charging leave, for more than 14 total days for reasons relating to misconduct or performance.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would provide that a Federal employee may not be placed on administrative leave for more than 10 work days in any calendar year, and authorize additional periods of administrative leave only for employees under investigation or in a notice period, subject to agency determination that the continued presence of the employee in the workplace poses a threat to other employees, evidence relevant to a pending investigation, Government property, or legitimate Government interests.

*Direct hiring for Federal wage schedule employees (sec. 1139)*

The Senate bill contained a provision (sec. 1132) that would direct the Director of the

Office of Personnel Management to permit certain agencies to use the direct-hire authority of permanent and non-permanent positions in the competitive service for prevailing rate employees when there is a severe shortage of candidates or a critical hiring need for such positions.

The House amendment contained no similar provision.

The House recesses.

*Record of investigation of personnel action in separated employee's official personnel file (sec. 1140)*

The House amendment contained a provision (sec. 1110) that would require the head of an agency to make a permanent notation in an individual's personnel file if the individual resigns from government employment while the subject of a personnel investigation and an adverse finding against the individual is made as a result of the investigation.

The Senate bill contained no similar amendment.

The Senate recesses.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Treatment of certain localities for calculation of per diem allowances*

The House amendment contained a provision (sec. 1107) that would consolidate per diem localities in the Dayton, Ohio, area.

The Senate bill contained no similar provision.

The House recesses.

*Pilot programs on career sabbaticals for Department of Defense civilian employees*

The Senate bill contained a provision (sec. 1111) that would create a pilot program on career sabbaticals for Department of Defense civilian employees.

The House amendment contained no similar provision.

The Senate recesses.

*Report on Department of Defense civilian workforce personnel and contractors*

The House amendment contained a provision (sec. 1112) that would require the Secretary of Defense to submit a detailed report on the structure and number of the civilian workforce and contractors of the Department of Defense.

The Senate bill contained no similar amendment.

The House recesses.

*Appointment authority for uniquely qualified prevailing rate employees*

The Senate bill contained a provision (sec. 1133) that would allow the head of an agency to appoint an individual to a prevailing rate position at such a rate of basic pay above the minimum rate of the appropriate grade in cases where there is an unusually large shortage of qualified candidates for employment, unique qualifications of a candidate of employment, or a special need of the Government for the services of a candidate for employment.

The House amendment contained no similar provision.

The Senate recesses.

*Limitation on preference eligible hiring preferences for permanent employees in the competitive service*

The Senate bill contained a provision (sec. 1134) that would limit the application of points for preference eligible hiring to the first appointment of a preference eligible candidate in a permanent position in the competitive service.

The House amendment contained no similar provision.

The Senate recesses.

The conferees remain concerned that the Department of Defense has difficulty access-

ing highly skilled non-veterans into its civilian labor force due to strict preference eligible hiring requirements, and believes that a detailed examination of Department of Defense preference eligible hiring practices is overdue. Therefore, the conferees direct the Secretary of Defense, in coordination with the Secretary of Labor, Secretary of Veterans Affairs, and the Director of the Office of Personnel Management to submit a report no later than May 1, 2017, to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives. Such report shall consist of a coordinated overview of the Veterans preference process in Federal hiring and shall contain the following elements: (1) an analysis of how the current process of applying preference eligible points works in practice, including initial hires and the process as employees move and advance into new positions; (2) a review of positive impacts realized in the past five years of preference eligible hiring; (3) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran applicants; (4) an analysis of the impact of preference eligible hiring on agencies' ability to hire qualified non-veteran recent graduates and young talent needed to build the future workforce; (5) a review of challenges identified in the past five years of preference eligible hiring; (6) an analysis of the impact of preference eligible hiring on science, technology, engineering and math positions; and (7) proposals from the reviewing agencies to improve the current preference eligible hiring process.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

##### Subtitle A—Assistance and Training

*One-year extension of logistical support for coalition forces supporting certain United States military operations (sec. 1201)*

The House amendment contained a provision (sec. 1201) that would amend section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by authorizing the Secretary of Defense to provide supplies, services, transportation, and other logistical support to coalition forces supporting U.S. operations in the Republic of Iraq and the Islamic Republic of Afghanistan during fiscal year 2017.

The Senate bill contained no similar provision.

The Senate recesses.

*Special Defense Acquisition Fund matters (sec. 1202)*

The Senate bill contained a provision (sec. 1202) that would increase the obligation authority for the Special Defense Acquisition Fund.

The House amendment contained no similar provision.

The House recesses with an amendment that would require quarterly spending plans and annual inventories to ensure more regular and routine oversight and alignment of the use of such funds with security assistance priorities and national security objectives.

The amendment also requires that \$500.0 million of the Special Defense Acquisition Fund may only be used to procure and stock precision guided munitions that may be required by partner and allied forces to enhance the effectiveness of their contribution to overseas contingency operations conducted or supported by the United States. If necessary, the conferees understand that

nothing in this provision would preclude the Secretary of Defense from using precision guided munitions that have been procured and stocked using the Special Defense Acquisition Fund to meet immediate United States military requirements.

*Codification of authority for support of special operations to combat terrorism (sec. 1203)*

The Senate bill contained a provision (sec. 1203) that would establish a new section 127e in title 10, United States Code, to codify section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1274 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92). The provision would increase the annual cap on the authority from \$85.0 million to \$100.0 million and would limit the amount available to support any particular military operation under the authority to \$10.0 million in a fiscal year as well as modify notification requirements.

The House amendment contained a similar provision that would modify and extend section 1208 of Public Law 108-375, as amended, for 3 years.

The House recesses with an amendment that would eliminate the limitation of \$10.0 million on support to any particular military operation in a fiscal year and make other clarifying changes to the reporting requirements associated with this authority.

The conferees express strong support for "section 1208" authority and its importance in countering threats posed by violent extremist groups. The conferees believe that the maturity of the authority, the need for predictability when working with foreign partner forces, and the enduring nature of the threats facing our nation support the codification of this authority. The conferees believe that an increase of the annual cap to \$100.0 million will provide for stability and sufficient flexibility to address unforeseen contingencies in future years.

The conferees expect the Department to exercise judicious use of the authority and conduct appropriate planning to preserve the flexibility afforded by the codification and expansion of this authority.

Furthermore, the conferees expect the Department to appropriately scope support provided under this authority to address operational requirements in support of defined counterterrorism missions. This authority should not be used solely for the purpose of building the capacity of or engagement with foreign partner forces. When operational requirements no longer require the use of this tailored authority, support for foreign partner forces should be expeditiously terminated or transitioned to other authorities and funding sources that are more appropriately designed for longer-term, sustained capacity-building efforts.

*Independent evaluation of Strategic Framework for Department of Defense security cooperation (sec. 1204)*

The House amendment contained a provision (sec. 1206) that would require the Secretary of Defense to enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an assessment of the Strategic Framework for Department of Defense Security Cooperation and submit a report to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives not later than November 1, 2017, containing the assessment.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

*Sense of Congress regarding an assessment, monitoring, and evaluation framework for security cooperation (sec. 1205)*

The House amendment contained a provision (sec. 1207) that would express the sense of Congress that the Secretary of Defense should develop and maintain an assessment, monitoring, and evaluation framework for security cooperation with foreign countries to ensure accountability and foster implementation of best practices.

The Senate bill contained no similar provision.

The Senate recesses.

Subtitle B—Matters Relating to Afghanistan and Pakistan

*Extension and modification of Commanders' Emergency Response Program (sec. 1211)*

The Senate bill contained a provision (sec. 1201) that would extend through fiscal year 2019 the Commanders' Emergency Response Program (CERP) in Afghanistan under section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) as amended. The provision would also expand the authorization to make certain payments to redress injury and loss in Iraq in accordance with section 1211 of the National Defense Authorization Act for Fiscal Year 2016 to Afghanistan and Syria.

The House amendment contained a similar provision (sec. 1211).

The Senate recesses with a technical amendment.

*Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 1212)*

The Senate bill contained a provision (sec. 883) that would amend section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) to extend by 2 years the authority to acquire products and services produced in countries along the major route of supply to Afghanistan.

The House amendment contained a similar provision (sec. 1213) that would extend the authority by 1 year.

The House recesses.

*Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1213)*

The Senate bill contained a provision (sec. 1211) that would extend through December 31, 2017, the authority under section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to transfer defense articles being drawn down in Afghanistan, and to provide defense services in connection with such transfers, to the military and security forces of Afghanistan. The provision would also extend through fiscal year 2017 the exemption for excess defense articles (EDA) transferred from Department of Defense stocks in Afghanistan from counting toward the annual limitation on the aggregate value of EDA transferred under section 516 of the Foreign Assistance Act of 1961 (Public Law 87-195). The provision would also convert certain quarterly reports into an annual report.

The House amendment contained a similar provision (sec. 1241).

The House recesses.

*Special immigrant status for certain Afghans (sec. 1214)*

The House amendment contained a provision (sec. 1216) that would extend the authorization for the Afghan Special Immigrant Visa (SIV) program for one year and narrow the eligibility requirements for Afghan SIV candidates.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would modify eligibility re-

quirements for applicants to include those that perform sensitive and trusted activities for the United States Government in Afghanistan; extend the underlying SIV program for four additional years; and provide an additional 1,500 visas. The conferees believe that any Afghan performing sensitive and trusted activities for or on the behalf of the United States Government should be eligible for the Special Immigrant Visa program.

*Modification to semiannual report on enhancing security and stability in Afghanistan (sec. 1215)*

The House amendment contained a provision (sec. 1217) that would add the requirement for an assessment of the implementation of the Afghan Personnel and Pay System to the report on enhancing the strategic partnership between the United States and Afghanistan.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

*Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel (sec. 1216)*

The Senate bill contained a provision (sec. 1213) that would prohibit the obligation or expenditure of amounts available to the Department of Defense for a construction or other infrastructure program or project in Afghanistan unless certain conditions are met. The provision also provides for certain waivers.

The House amendment contained no similar provision.

The House recesses with an amendment that would provide for an additional waiver by the Commander of the Combined Security Transition Command—Afghanistan for projects greater than \$1.0 million, but less than \$20.0 million.

*Improvement of oversight of United States Government efforts in Afghanistan (sec. 1217)*

The Senate bill contained a provision (sec. 1215) that would require the Lead Inspector General for Operation Freedom's Sentinel, in coordination with certain other inspectors general, to submit a report on oversight activities in Afghanistan to optimize the utilization of oversight resources through planning, coordination, and reduction of redundancies in oversight activities.

The House amendment contained no similar provision.

The House recesses with an amendment that would add the requirement to report on the professional standards used by inspectors general to ensure the accuracy, precision, and overall quality of the products they publish regarding Afghanistan.

The conferees note that inspectors general play a crucial role in helping to ensure appropriate oversight and efficient use of federal resources in challenging environments, including Afghanistan. The conferees believe the Inspectors General operating in Afghanistan should work together to ensure appropriate oversight occurs at all levels, with minimal burden to U.S. military operations, diplomatic efforts and developmental projects. The conferees urge additional efforts to optimize coordination and to maximize the use of professional standards among inspectors general in Afghanistan to ensure the most efficient and effective use of oversight resources.

*Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1218)*

The Senate bill contained a provision (sec. 1214) that would provide the Secretary of De-

fense the authority to reimburse Pakistan up to \$800.0 million in fiscal year 2017 for certain activities that enhance the security situation in the northwest regions of Pakistan and along the Afghanistan-Pakistan border. The provision would also make \$300.0 million of this amount contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan. The Senate bill also contained a companion provision (sec. 1212) that would extend and modify the authority for reimbursement of coalition nations in support of U.S. operations in Iraq and Afghanistan to include Syria.

The House amendment contained a similar provision (sec. 1212) that would extend the authority for reimbursement of coalition nations for support provided to the United States for military operations in Iraq and Afghanistan through December 31, 2017. The provision would make \$1.1 billion in funding available for the overall coalition support funds program, including up to \$900.0 million for reimbursement of Pakistan. The provision would also make \$450.0 million of this amount contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistan.

The Senate recesses with an amendment to merge the three provisions into one provision. The revised provision would extend the authorization of the coalition support funds program for reimbursement of nations in support of U.S. operations in Iraq and Afghanistan. The provision would expand the authorization to include support for operations in Syria and would retain the authority to provide such reimbursement to Pakistan. In addition, the provision would include a modified list of security enhancement activities for which Pakistan would be eligible for reimbursement.

The provision authorizes \$1.1 billion for the overall coalition support funds program, including up to \$900.0 million for Pakistan. Of this amount, the provision would make \$400.0 million contingent upon a certification from the Secretary of Defense that Pakistan is taking demonstrable steps against the Haqqani Network in Pakistani territory.

The conferees remain concerned about the persecution of groups seeking political or religious freedom in Pakistan, including the Balochi, Sindhi, and Hazara ethnic groups, as well as religious groups, including Christian, Hindu, and Ahmadiyya Muslim. Consequently, the conferees believe that the Secretary of Defense should continue to closely monitor the provision of U.S. security assistance to Pakistan and ensure that Pakistan is not using its military or any assistance provided by the United States to persecute minority groups.

In addition, the conferees note that the renewed authority allows for reimbursement of Pakistan for security activities along the Afghanistan-Pakistan border, including providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa. However, the conferees are concerned that Pakistan continues to delay or deny visas for U.S. personnel that could assist with the provision of such training. Given this situation, the conferees recommend that the Department of Defense condition reimbursements for training and equipment with appropriate access by U.S. personnel.

The conferees note that while the pilot program for stability activities in the Federally Administered Tribal Areas that was authorized under Section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (P.L.114-92) would not be specifically reauthorized by this provision, the activities

covered by the pilot program would be eligible for reimbursement under the modifications made by this provision. The conferees also note that coalition support funds appropriated by the Consolidated Appropriations Act of 2016 (P.L.114-113) remain eligible for obligation for two fiscal years. As a result, the conferees expect that the Department of Defense will continue activities under the pilot program through the end of fiscal year 2017.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

*Modification and extension of authority to provide assistance to the vetted Syrian opposition (sec. 1221)*

The Senate bill contained a provision (sec. 1221) that would extend and modify the authority under section 1209 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3541) to assist the vetted elements of the Syrian opposition for certain purposes to December 31, 2019, as well as strike the prior approval reprogramming requirement and replace it with a notification requirement before carrying out new initiatives.

The House amendment contained a similar provision (sec. 1221) that would extend the authority for one year and add certain certification requirements.

The Senate recedes with an amendment that would extend the authority through December 31, 2018, maintain the reprogramming requirement, and strike the certification requirements.

*Modification and extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant (sec. 1222)*

The Senate bill contained a provision (sec. 1222) that would extend the authority under section 1236 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3559) to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces, with a national mission, to counter the Islamic State in Iraq and the Levant (ISIL) to December 31, 2019.

The House amendment contained a similar provision (sec. 1222) that would extend the authority to December 31, 2017.

The House recedes with an amendment that would extend the authority through December 31, 2018.

The conferees direct the Secretary of Defense in coordination with the Secretary of State to brief the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later than 90 days after the enactment of this Act, on the campaign to liberate Mosul, Iraq from the control of ISIL. The briefing on the campaign to liberate Mosul shall also contain the plan to hold Mosul after liberation and include a detailed blueprint on how humanitarian, reconstruction, and stabilization assistance will be provided to support a follow on governance structure.

The conferees note the importance of the provision of up to \$480 million in stipends and sustainment through the Government of Iraq to the Iraqi Kurdish Peshmerga and urge the Secretary of Defense, in coordination with the Secretary of State, to provide such assistance through the Government of Iraq to Sunni tribal security forces and other local security forces with a national security mission. The conferees remind the Secretaries that local security forces with a national security mission may include, in addition to Sunni tribal elements, local security forces that are committed to protecting

highly vulnerable ethnic and religious communities, such as Yazidi, Christian, Assyrian, and Turkoman communities, against the ISIL threat.

*Extension and modification of authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1223)*

The Senate bill contained a provision (sec. 1223) that would extend through fiscal year 2017 the authority under section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) as amended, for the Secretary of Defense to support the operations and activities of the Office of Security Cooperation in Iraq (OSC-I).

The House amendment contained a similar provision (sec. 1223) that would extend the authority for OSC-I for one year through fiscal year 2017 and authorize the Secretary of Defense to conduct training with the Iraqi Border Police.

The Senate recedes with an amendment that would extend the authority through fiscal year 2017.

The conferees direct the Secretary of Defense and the Secretary of State to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, a plan to transition the activities conducted by OSC-I but funded by the Department of Defense to another entity or transition the funding of such activities to another source not later than the end of fiscal year 2018.

*Limitation on provision of man-portable air defense systems to the vetted Syrian opposition during fiscal year 2017 (sec. 1224)*

The House amendment contained a provision (sec. 1229) that would prohibit the funds authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 to be obligated or expended to transfer or facilitate the transfer of man-portable air defense systems (MANPADs) to any entity in Syria.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense and Secretary of State to notify the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee should a determination be made to provide MANPADs to elements of the appropriately vetted Syrian opposition. The conferees expect that should such a determination be made, the requirement for the provision of such a capability and the decision to provide it would be thoroughly vetted by and receive broad support from the interagency.

*Modification of annual report on military power of Iran (sec. 1225)*

The Senate bill contained a provision (sec. 1226) that would add additional elements concerning cyber capabilities to the annual report on the military power of Iran required under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House amendment contained a similar provision (sec. 1253).

The Senate recedes with a technical amendment.

*Quarterly report on confirmed ballistic missile launches from Iran (sec. 1226)*

The House amendment contained a provision (sec. 1259S) that would require the President to notify Congress within 48 hours of a suspected ballistic missile launch, including a test, by Iran. The President shall further notify Congress of the entities involved in the launch and a description of the steps the President will take in response to the launch, including diplomatic efforts and the imposition of unilateral sanctions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the house provision with the requirement for a quarterly report to Congress by the Director of National Intelligence describing any confirmed ballistic missile launches by Iran. An additional quarterly report to Congress from the Secretary of State and the Secretary of Treasury is required setting forth a description of the efforts, if any, to impose unilateral sanctions against entities or individuals in connection with a confirmed ballistic missile launch from Iran and any diplomatic efforts to impose multilateral sanctions.

Subtitle D—Matters Relating to the Russian Federation

*Military response options to Russian Federation violation of INF Treaty (sec. 1231)*

The House amendment contained a provision (sec. 1232) that would withhold \$10.0 million of funding for the Department of Defense to provide support services to the Executive Office of the President until the Secretary of Defense submits to the appropriate congressional committees a plan for the development of military capabilities in response to the Russian Federation non-compliance with its obligations under the INF Treaty, as required by section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1062).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop section (a)(1) from the House provision. The conferees note that the plan contained in the report previously submitted to Congress, pursuant to the above Public Law, was insufficient and failed to address adequately the military response options that were outlined in congressional testimony presented by Mr. Brian McKeon, Deputy Under Secretary of Defense for Policy. For example, in testimony to the House Armed Services Committee on December 10, 2014, Mr. McKeon stated: "The range of options we are looking at in the military sphere fall into three broad categories: Active defenses to counter intermediate-range ground-launched cruise missiles; counterforce capabilities to prevent intermediate-range ground-launched cruise missile attacks; and countervailing strike capabilities to enhance U.S. or allied forces." The conferees note that nothing in this provision is intended to direct testing or deployment of systems that would cause the United States to violate the INF Treaty.

*Limitation on military cooperation between the United States and the Russian Federation (sec. 1232)*

The House amendment contained a provision (sec. 1233) that would prohibit funds authorized to be appropriated or otherwise made available by this Act through fiscal year 2017 from being used for bilateral military-to-military contact between the United States and the Russian Federation without certain certifications by the Secretary of Defense, in consultation with the Secretary of State, or unless certain waiver conditions are met.

The Senate bill contained no similar provision.

The Senate recedes.

*Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises (sec. 1233)*

The Senate bill contained a provision (sec. 1232) that would extend through fiscal year 2019 the authority under section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for the Secretary of Defense to provide multilateral or

regional training, and pay the incremental expenses of participating in such training, for countries in Eastern Europe that are a signatory to the Partnership for Peace Framework Documents but not a member of the North Atlantic Treaty Organization (NATO) or became a NATO member after January 1, 1999. The provision would also add the authority to utilize under this section amounts authorized to be appropriated for certain purposes under the European Deterrence Initiative.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the authority through fiscal year 2018 and pay the incremental expenses incurred by a country as a result of national security forces participation in certain types of training. The conferees note that the purpose of such training is to promote interoperability, improve the ability of participating countries to respond to external threats including from hybrid warfare, and increase the ability of NATO to take collective action when required.

The conferees note the importance of regular updates on the status and effectiveness of the implementation and planned use of the authority and direct the Secretary of Defense to brief, not later than 120 days after the enactment of this Act, the Committees on Armed Services of the Senate and the House of Representatives on the overall strategy to increase capabilities and develop key participants' skills under this authority, the expenditure of funds under this authority to date, and planned future activities, including the types of national security forces trained or planned to be trained under this authority.

*Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea (sec. 1234)*

The House amendment contained a provision (sec. 1236) that would prohibit funds authorized to be appropriated or made available by this Act through fiscal year 2017 for the Department of Defense to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea. The provision included a waiver if the Secretary of Defense, with the concurrence of the Secretary of State, determines that to do so would be in the national security interest of the United States and submits a notification of the waiver to certain Congressional committees.

The Senate bill contained no similar provision.

The Senate recedes.

*Annual report on military and security developments involving the Russian Federation (sec. 1235)*

The Senate bill contained a provision (sec. 1233) that would add additional elements to the annual report on Russian military and security developments required under section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) including an assessment of Russian operations in Ukraine and an analysis of the nuclear strategy and associated doctrine of Russia.

The House amendment contained a similar provision that would require reporting on the Russian Federation's foreign military deployments.

The House recedes with an amendment that would add the Russian Federation's foreign military deployments, including significant deployments of naval vessels to foreign countries, to the annual report.

*Limitation on use of funds to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission and related requirements (sec. 1236)*

The Senate bill contained a provision (sec. 1079) that would require the Secretary of Defense to submit to the appropriate committees of Congress, an annual report on observation flights over the United States under the Open Skies Treaty during the previous year.

The House amendment contained a similar provision (sec. 1231) that would limit funds that may be used to approve or permit approval of a request by the Russian Federation to carry out observation flights with an aircraft that has installed an upgraded sensor with infrared or synthetic aperture radar capability over the United States or the territory covered in the Open Skies Treaty, unless the administration can certify certain conditions.

The Senate recedes with an amendment that would limit funding that may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission to authorize approval of requests by state parties to the Treaty of infrared or synthetic aperture radars, pursuant to the Open Skies Treaty, unless and until the Secretary of Defense, jointly with the relevant U.S. government officials, submits to the appropriate congressional committees a certification that such implementing decision would not be detrimental or otherwise harmful to the national security of the United States, and submits a report.

Further, not later than 90 days prior to when the U.S. votes to approve or otherwise adopt any implementing decision, the Secretary of State shall submit to Congress certain certifications. If the Secretary is unable to make these certifications, the Secretary must submit a report to Congress explaining why it is in the national interest of the U.S. to vote to approve or otherwise adopt such implementing decision.

The amendment also requires a quarterly report by certain government officials evaluating Open Skies Treaty overflights of the United States by the Russian Federation.

The amendment further states that not more than 65-percent of the funds authorized for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency submit an evaluation of whether it is possible, consistent with U.S. national security interests, to substitute commercial imagery or other phenomenologies for such data generated by Treaty overflights. The amendment further limits the funding until the Secretary of State submits a report on cost of implementing the Open Skies Treaty and on impact on participation and contributions by covered state parties and relationships among covered state parties.

*Extension and enhancement of Ukraine Security Assistance Initiative (sec. 1237)*

The Senate bill contained a provision (sec. 1231) that would extend through fiscal year 2019 the authority under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) for the Secretary of Defense, in coordination with the Secretary of State, to provide security assistance and intelligence support to military and other security forces of the government of Ukraine. The provision would authorize the use of up to \$500.0 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would prohibit the obligation or expenditure of half of the funds authorized to be appropriated in fiscal year

2017 under this authority until the Secretary of Defense, in coordination with the Secretary of State, certifies that Ukraine has taken substantial action to make defense institutional reforms and outlines areas where further work may remain.

The House amendment contained a similar provision (sec. 1235) that would make conforming changes of a non-substantive nature to section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The House recedes with an amendment that would extend the authority through December 31, 2018, and authorize the use of up to \$350 million in fiscal year 2017 to provide security assistance to Ukraine. The provision would limit the obligation or expenditure of funds to \$175 million of the funds authorized to be appropriated in fiscal year 2017 until a certification is made that Ukraine has taken substantial action on defense institutional reforms.

The conferees remain deeply concerned by the continuing aggression of Russia and Russian-backed separatists that violate ceasefire agreements and as such, continue to emphasize the fundamental importance of providing security assistance and intelligence support, including lethal military assistance, to the Government of Ukraine to build its capacity to defend its territory and sovereignty.

The conferees are concerned that progress in the area of defense institutional reform has been slow and uneven and note that such reforms are critical to sustaining capabilities developed using security assistance. Such reforms are critical to the long-term stability and security of Ukraine. The conferees welcome the signing of the Partner Concept document between the United States and Ukraine as well as the appointment of a senior advisor to the Ukrainian government and encourage further progress on institutional reform efforts.

Subtitle E—Reform of Department of Defense Security Cooperation

*Enactment of new chapter for defense security cooperation (sec. 1241)*

The Senate bill contained a provision (sec. 1252) that would create a new chapter in title 10, United States Code, on security cooperation, and would transfer, modify, and codify security cooperation-related provisions from elsewhere in title 10 and public law to this new chapter.

The House amendment contained a similar provision (sec. 1261).

The House recedes with amendments that would make several modifications, including to: 1) narrow the scope of the authority for the Department to provide assistance to build the capacity of a friendly foreign nation to conduct specified military operations, modify the availability of funds for such purposes, and change notification requirements; 2) preserve the existing authority for the Department of Defense (DOD) to operate five Regional Centers for Security Studies; 3) require the Secretary of Defense to designate an individual and office at the Under Secretary of Defense-level or below with responsibility for oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department; and 4) authorize the Department to provide support to other departments and agencies of the United States Government for the purpose of implementing or supporting foreign assistance programs and activities that advance security cooperation objectives.

The conferees note that over the last 15 years, the Department of Defense's engagement with national security forces of friendly foreign countries has expanded in response

to changing strategic requirements. Correspondingly, the number and complexity of authorities and associated funding provided to the Department to conduct security cooperation programs has expanded, resulting in security cooperation authorities being dispersed throughout title 10 and public law. This architecture has led to a confusing and unwieldy security cooperation enterprise that undermines the ability of the Department—particularly its senior civilian and military leaders—to prioritize, plan, synchronize, execute, allocate resources, and oversee activities. The current situation has also resulted in frequent changes for the security cooperation professionals attempting to implement security cooperation programs and activities. This has contributed to sub-optimal outcomes and missed opportunities. Further, the conferees believe the complex patchwork of authorities and sources of funding hinders appropriate congressional and public transparency and complicates robust congressional oversight of a key mission for the Department.

As such, the conferees believe that consolidating the various security cooperation authorities under a single security cooperation chapter in title 10 will provide greater clarity and consistency about the nature and scope of DOD's security cooperation programs and activities to those who plan, manage, implement, and conduct oversight of these programs. The conferees note that the functional areas in which the Department is authorized to provide assistance under this provision are consistent with existing focus areas of the Department's 'train and equip' programs. The conferees also note that authority to provide assistance to build the capacity of friendly foreign countries to conduct military intelligence operations already exists, because the Department's existing authorities include support functions, and intelligence operations frequently act in that capacity. The inclusion of intelligence operations is intended solely to clarify that the Department may conduct such activities either as a supporting activity for other operations or as a stand-alone operation, and it is not meant to suggest that other activities that support or enable programs providing training and equipment to foreign forces (such as logistics or communications activities) are not permitted under existing authorities.

Additionally, for the purposes of executing programs and activities in the new security cooperation chapter in title 10, funds available to DOD for security cooperation may be used prior to the submission of a consolidated security cooperation budget as required by section 1249 of this subtitle.

Moreover, consolidation of a single 'train and equip' authority will ensure that the Department has flexibility to meet its evolving strategic objectives, without being forced to bend its strategy to meet the contours of available tailored authorities. The conferees do not intend for the consolidation to create a DOD mission that competes with security assistance overseen by the Department of State. Rather, a consolidated 'train and equip' authority should enable the Department to meet its own defense-specific objectives in support of broader defense strategy and plans, as well as to better integrate title 10 security cooperation activities into the broader United States Government approach to security sector assistance. To that end, the conferees note that the provision would increase coordination between the Department of Defense and the Department of State in the planning and implementation of security sector assistance programs by requiring the Secretary of Defense and the Secretary of State to jointly develop and plan 'train and equip' programs as well as to

coordinate the implementation of such programs and ensure robust end-use monitoring of provided assistance. The conferees believe that the Department of Defense and the Department of State should have greater visibility into the planning, programming, and execution of each organization's security sector assistance programs and activities and urge both Departments to enhance visibility and collaboration on such programs early in the planning process and through execution so as to avoid unnecessary duplication and enhance overall unity of effort.

Additionally, the conferees are concerned that the existing process for coordination between the two Departments on security sector assistance programs is too ad-hoc in nature and often elevates responsibility for such coordination, particularly those activities requiring concurrence, to the senior-most echelons of the respective organizations—to include the Deputy Secretary or Secretary level—resulting in a cumbersome and time-intensive process. Therefore, the provision would require the Secretary of Defense and the Secretary of State to designate individuals at the lowest possible level in their respective organizations with responsibility for such coordination.

The conferees note that the Department's security cooperation activities over the last 15 years have emphasized building the capacity of partner forces at the tactical and operational level. However, the conferees are concerned that insufficient attention and resources have been provided for building institutional capacity at higher echelons, particularly the generating force (e.g. those with 'man, train, and equip' responsibilities) and at the strategic level (e.g. ministerial and general staff levels). The conferees expect the Department to increase its emphasis on strengthening the defense institutions of friendly foreign nations as it builds security cooperation programs and activities and expects proposals submitted to Congress to include a robust defense institution building component. Moreover, the conferees expect the Department to take advantage of the simplified framework of security cooperation authorities adopted in this section to develop security cooperation programs that integrate activities to simultaneously engage partners and build capacity at each of these levels—tactical, operational, and strategic.

Additionally, the conferees note the importance of sustaining capabilities provided to friendly foreign nations, particularly equipment, to the long-term success of DOD's security cooperation programs and activities. As such, the conferees expect that there is a plan to transition sustainment support from DOD to other sources of funding, such as foreign countries' national funds, will be part of each security cooperation program.

In addition to the cumbersome, confusing, and complex patchwork of authorities and funding sources, the Department's organizational structure for the security cooperation enterprise has undermined the ability of senior Department officials to adequately oversee, prioritize, and synchronize security cooperation programs and activities to support strategic priorities. Currently, there is no individual or office below the Deputy Secretary of Defense with responsibility to oversee strategic policy and resource allocation for the security cooperation enterprise. Instead, such responsibility spans multiple components and offices at the level of Under Secretary. Therefore, the provision would require the Secretary to assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the

level of Under Secretary or below. The conferees intend for this individual and office to better synchronize planning and programs across the regional and functional components of the Department and ensure that such activities and resources are appropriately aligned with strategic priorities. Further, the conferees expect that this arrangement will empower the Department to prioritize resources and consider trade-offs across the full range of security cooperation programs and funding sources. Additionally, the provision would assign responsibility for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease to the Director of the Defense Security Cooperation Agency. This assignment of responsibility is meant to help the Department overcome the distortions, lack of coordination, and duplication that occurs across the Department's security cooperation enterprise, arising from narrowly-focused program offices found throughout the Office of the Secretary of Defense, the Joint Staff, Military Departments, Combatant Commands, and the defense agencies.

The provision would preserve the five Department of Defense Regional Centers for Security Studies. The provision would also require the Secretary to review, on an annual basis, the program and structure of each Regional Center in order to ensure that they are appropriately aligned with the strategic priorities of the Department. The conferees intend for the Regional Centers to more closely align activities with the requirements of DOD, and to serve as an effective tool to advance clearly defined security cooperation objectives in direct support of defense strategy.

The conferees note that, despite the marked increase in DOD security cooperation programs and activities over the last 15 years, the Department has not applied sufficient emphasis and resources to develop a comprehensive framework to assess, monitor, and evaluate its security cooperation programs and activities from inception to completion. Instead, the conferees believe that the Department has focused on assessments of partner nation capability gaps at the beginning of assistance programs rather than over the life cycle of the program, which has undermined the Department's ability to measure outcomes against objectives. Sufficient attention must be given to the implementation of programs with continuous robust evaluation to gauge whether programs and activities are meeting or have met defined objectives. The conferees expect the Department to allocate sufficient resources to its assessment, monitoring, and evaluation program, and to apply lessons learned from the program to improve and reshape security cooperation programs and activities to maximize effectiveness and efficiency.

Further, in this context, the conferees believe the Department's security cooperation data systems should provide an enterprise-wide view of security cooperation activities to facilitate best practices and enable strategic decision-making. In addition to basic data about security cooperation programs, the system should support the distribution of lessons-learned, including the activities' goals and history of development, and inform future activities and resource allocation. The conferees note the current limitations of the Global Theater Security Cooperation Management Information Systems (G-TSCMIS) program and encourage the Department to review the use and functionality of G-TSCMIS at all user levels. The Department should further consider measures to

promote more wide-spread and regular use of G-TSCMIS and ensure that processes and system functionality appropriately collects, stores, integrates, and distributes information Department-wide.

*Military-to-military exchanges (sec. 1242)*

The Senate bill contained a provision (sec. 1253) that would combine existing security cooperation authorities permitting the exchange of military and defense personnel with allies of the United States and other friendly foreign countries.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees encourage the Department to make more effective use of exchanges of military and defense personnel as important elements of broader security cooperation efforts, particularly with regard to building partner operational capacity or strengthening the management functions of partner defense institutions. Such exchanges offer opportunities for U.S. military and civilian personnel to mentor foreign counterparts, share relevant operational concepts, and assess how well previous assistance has been employed and sustained. Meanwhile, foreign exchange officers can obtain valuable on-the-job training working among their U.S. counterparts and improve their understanding of U.S. military organizations and operations, contributing to deeper interoperability. Such exchanges should be planned with these advantages in mind, in integration with other security cooperation activities and authorities.

*Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation (sec. 1243)*

The Senate bill contained a provision (sec. 1254) that would consolidate and modify similar authorities permitting the payment of personnel expenses of allied or partner countries during theater security cooperation activities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Transfer and revision of certain authorities on payment of expenses of training and exercises with friendly foreign forces (sec. 1244)*

The Senate bill contained a provision (sec. 1255) that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises.

The House amendment contained a similar provision (sec. 1202) that would extend the authority in section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) for training of general purpose forces of the United States Armed Forces with military and other security forces of friendly foreign countries to December 31, 2019.

The House recedes with an amendment that would combine and modify similar authorities for paying for the expenses of partner nations when conducting training with U.S. Armed Forces and for the expenses of developing countries when participating in exercises. The provision would also transfer section 2011 of title 10, United States Code to the new chapter 16 on security cooperation created elsewhere in this Act.

The conferees note that the transfer of section 2011 of title 10, United States Code to the new chapter 16 is part of a broader effort to consolidate and simplify authorities related to security cooperation. The conferees do not intend for this transfer to negatively

impact administration of Special Operations Forces Joint Combined Exchange and Training Program by the Commander, United States Special Operations Command, which remains a standalone authority within the new chapter.

*Transfer and revision of authority to provide operational support to forces of friendly foreign countries (sec. 1245)*

The Senate bill contained a provision (sec. 1256) that would consolidate and modify section 127d of title 10, United States Code, section 1207 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), and section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, relating to the provision of operational support to partners and allies in combined operations with U.S. Armed Forces, in military operations that support U.S. national security interests, or in support of U.S. operations in Iraq and Afghanistan.

The House amendment contained no similar provision.

The House recedes with technical amendment.

*Department of Defense State Partnership Program (sec. 1246)*

The Senate bill contained a provision (sec. 1257) that would codify the Department of Defense State Partnership Program (section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92)).

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Transfer of authority on regional defense combating terrorism fellowship program (sec. 1247)*

The Senate bill contained a provision (sec. 1258) that would transfer to the new chapter 16 on security cooperation in title 10, United States Code, the regional combating terrorism fellowship program (section 2249c of title 10, United States Code) and modify the program to authorize the Secretary of Defense to carry out a program under which the Secretary may pay costs associated with the education and training of national-level security officials of friendly foreign nations.

The House amendment contained no similar provision.

The House recedes with an amendment that would transfer the underlying authority for the regional combating terrorism fellowship program to the new chapter 16 on security cooperation and would make a technical modification to the reporting requirement.

*Consolidation of authorities for service academy international engagement (sec. 1248)*

The Senate bill contained a provision (sec. 1259) that would amend Chapter 16 of title 10, United States Code, to consolidate international engagement authorities for the service academies of the Army, Navy, and Air Force.

The House amendment contained no similar provision.

The House recedes.

The conferees note that under current law, there are nine separate authorities that determine the selection of, funding for, and conditions for international students attending the service academies of the Army, Navy, or Air Force. The conferees believe consolidating these authorities would provide consistency by creating a single, common authority for use by the service academies to select international students and conduct exchange programs with foreign military academies.

*Consolidated annual budget for security cooperation programs and activities of the Department of Defense (sec. 1249)*

The Senate bill contained a provision (sec. 1262) that would require the budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, to include as a separate item the amounts requested for the Department of Defense (including those funds in the budgets of the military departments) for such fiscal year for all security cooperation programs and activities of the Department, including the specific amounts, if any, and the specific country or region, to the maximum extent practicable, for such programs and activities.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Consistent with the creation of the new chapter 16 on security cooperation and the consolidation of the Department of Defense's security cooperation funding and related authorities, this provision is intended to enhance the ability of the congressional defense committees to conduct oversight of the Department's security cooperation programs and activities, including those undertaken by the military services; to understand better how the Department plans, programs, and prioritizes its security cooperation programs and activities to fill gaps in its contingency plans; to enable foreign partners against a common threat or enemy; and to align resources with the Department's strategic objectives. This approach is also intended to better enable public transparency. *Department of Defense security cooperation workforce development (sec. 1250)*

The Senate bill contained a provision (sec. 1263) that would direct the Secretary of Defense to create a Department of Defense security cooperation workforce development program to oversee the development and management of a professional workforce supporting security cooperation programs of the Department of Defense as well as the execution of security assistance programs and activities under the Foreign Assistance Act and the Arms Control Act by the Department of Defense.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Despite the increasing emphasis on security cooperation to further its strategic objectives, the conferees are concerned that the Department of Defense—whether in implementing State Department programs or its own programs—has not devoted sufficient attention and resources to the development, management, and sustainment of the Department's security cooperation workforce to ensure effective assessment, planning, monitoring, execution, evaluation, and administration of security cooperation programs and initiatives. As a result of this inattention, security cooperation initiatives are not always planned and implemented in such a way as to most effectively advance national security objectives, and the Military Departments are left to pursue their unique service objectives, which may not always align with broader foreign policy objectives or integrate with Department of Defense efforts. The conferees are also concerned about the lack of standardization in the organization of the security cooperation workforce within the Military Departments.

Finally, the conferees believe that security cooperation outcomes would improve if the security cooperation planning workforce, including within Embassy country teams and

at Geographic Combatant Commands, was able to draw upon not just the foreign area officer specialty, but also upon other relevant specialties such as force planning, logistics, and acquisition.

The conferees believe that building security capabilities of a partner nation and deepening interoperability through security cooperation requires a specialized set of skills, and the current system neither develops those skills among its workforce nor rationally assigns its workforce to match appropriate skills with requirements. The conferees believe increased attention and resourcing must be focused on the recruitment, training, certification, assignment, and career development of the security cooperation workforce. The conferees expect the Department to implement this authority expansively in order to address shortfalls in the security cooperation workforce throughout the enterprise.

Specifically, implementation of this authority should (1) ensure the development and rational allocation of qualified and experienced personnel in order to support high-priority security cooperation initiatives and partners; (2) ensure the appropriate sizing, organization, and chain-of-command for the security cooperation workforce within the Military Departments; (3) ensure the appropriate skills and capabilities are developed within the workforce and that there are standard and viable career paths; and (4) ensure sufficient size of the Title 10 workforce to enhance program management and administration, as well as to strike a more appropriate balance with the Title 22 workforce. The conferees expect that the Department will allocate necessary resources, from available Title 10 security cooperation program resources and other appropriate sources, sufficient to achieve these objectives, and reflect these costs in its annual security cooperation budget submission.

The conferees note that effectiveness and efficiency of security cooperation implementation will depend on a workforce that is integrated across the enterprise and responsive to clear strategic direction in support of Department priorities.

#### *Reporting requirements (sec. 1251)*

The Senate bill contained a provision (sec. 1261) to consolidate and standardize the Department's reporting on security cooperation authorities and programs in an annual report.

The House amendment contained a similar provision (sec. 1205).

The Senate recedes with a technical amendment.

The conferees note that this Act retains nearly all of the notification requirements with respect to the Department's security cooperation activities. Coupled with the requirement for an annual budget submission that appears elsewhere in this Act, this approach relieves the Department of an overly burdensome reporting regime while maintaining the transparency and accountability required for appropriate oversight and real-time monitoring of the Department's new programs. The conferees expect that the level of detail contained in the annual report should be equal to or greater than the existing individual reports. Any degradation in the quality of the reporting on the Department's security cooperation program and activities would be inconsistent with the intent of the conferees in undertaking this broader reform initiative.

#### *Quadrennial Review of Security Sector Assistance Program and Authorities of the United States Government (sec. 1252)*

The conference agreement includes a provision that would require the President to conduct a quadrennial review of all U.S. Gov-

ernment security sector assistance programs, policies, authorities, and resources.

#### *Other conforming amendments and authority for administration (sec. 1253)*

The Senate bill contained a provision (sec. 1265) that would repeal superseded, obsolete, or duplicate statutes relating to security cooperation as part of its efforts to streamline and rationalize the authorities of the Department to conduct security cooperation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

#### *Subtitle F—Human Rights Sanctions Global Magnitsky Human Rights Accountability Act (secs. 1261–1265)*

The Senate bill contained provisions (secs. 1281–1284) that would authorize the President to impose sanctions with respect to any foreign person that the President determines is responsible for gross human rights violations or acts of significant corruption.

The House amendment contained no similar provision.

The House recedes with amendments which would sunset the provision six years after enactment, modify the congressional referral mechanism, and revise the waiver threshold for the termination of sanctions, as well as several technical amendments.

#### *Subtitle G—Miscellaneous Reports Modification of annual report on military and security developments involving the People's Republic of China (sec. 1271)*

The House amendment contained a provision (sec. 1242) that would require a summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory and a description of the People's Republic of China's military and nonmilitary activities in the South China Sea to be added to the Annual Report on Military and Security Developments Involving the People's Republic of China.

The Senate bill contained no similar provision.

The Senate recedes.

#### *Monitoring and evaluation of overseas humanitarian, disaster, and civic aid programs of the Department of Defense (sec. 1272)*

The House amendment contained a provision (sec. 1245) that would authorize the Secretary of Defense to use up to 5 percent of the amounts authorized to be appropriated by this Act for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) for fiscal year 2017, to conduct monitoring and evaluation of the OHDACA programs of the Department of Defense. This section would also require the Secretary of Defense to provide a briefing to the specified committees not later than 90 days after the date of the enactment of this Act on mechanisms to evaluate OHDACA programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend the authorization to fiscal year 2018.

#### *Strategy for United States defense interests in Africa (sec. 1273)*

The House amendment contained a provision (sec. 1249) that would require the Secretary of Defense to submit a report not later than 1 year after the date of the enactment of this Act to the congressional defense committees that contains a strategy for United States defense interests in Africa.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

#### *Report on the potential for cooperation between the United States and Israel on directed energy capabilities (sec. 1274)*

The House amendment contained a provision (sec. 1250) that would allow the Secretary of Defense to carry out research, development, test and evaluation activities, on a joint basis with Israel to establish directed energy capabilities to detect and defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the House provision with the requirement for a report on the potential for United States and Israeli directed energy cooperation to defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices. The report is due to the congressional defense and foreign relations committees not later than 180 days after enactment of this act.

#### *Annual update of Department of Defense Freedom of Navigation Report (sec. 1275)*

The Senate bill contained a provision (sec. 1241) that directs the Secretary of Defense to submit an annual report to the Committees on Armed Services of the Senate and the House of Representatives setting forth an update on the most current Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program.

The House amendment contained a similar provision (sec. 1255) that directs the Secretary of Defense to submit a quarterly report to the congressional defense committees on any excessive territorial claims of foreign countries that were challenged by freedom of navigation operations and flights carried out by the armed forces during such fiscal quarter.

The House recedes with an amendment that would terminate the report on September 30, 2021.

#### *Reports on INF Treaty and Open Skies Treaty (sec. 1276)*

The House amendment contained a provision (sec. 1259H) that would require the Chairman of the Joint Chiefs of Staff to submit to the appropriate congressional committees a report on the Open Skies Treaty that assesses possible non-compliance of the treaty by the Russian Federation, and whether the treaty remains in the national security interest of the United States. It would also require a report on the INF Treaty of whether and why the Treaty remains in the national security interests of the United States and a specific plan to remedy the Russian violation of the INF Treaty.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would add the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence to the list of congressional committees to receive the reports.

#### *Assessment of proliferation of certain remotely piloted aircraft systems (sec. 1277)*

The Senate bill contained a provision (sec. 1275) that would require an independent assessment directed by the Chairman of the Joint Chiefs of Staff to report on the impact to United States national security interests of the proliferation of certain remotely piloted aircraft. The assessment would include an analysis of the threat posed to the United States as a result of the proliferation of such aircraft to adversaries, the impact of such proliferation on the combat capabilities of

and interoperability with partners and allies of the United States, and the potential benefits and risks of continuing to limit exports of such aircraft.

The House amendment contained no similar provision.

The House recesses.

The conferees note that the proliferation of remotely piloted aircraft has significantly altered the context of the international security environment since the origination of the Missile Technology Control Regime that proscribes a “strong presumption of denial” for the export of such aircraft.

#### Subtitle H—Other Matters

*Enhancement of interagency support during contingency operations and transition periods (sec. 1281)*

The Senate bill contained a provision (sec. 1050) that would authorize the Secretary of Defense and the Secretary of State to enter into an agreement allowing each Secretary to provide support, supplies, and services on a reimbursement basis, or by exchange of support, supplies, and services, to the other Secretary during a contingency operation and related transition period.

The House amendment contained a similar provision (sec. 1246).

The Senate recesses with a technical amendment.

*Two-year extension and modification of authorization of non-conventional assisted recovery capabilities (sec. 1282)*

The Senate bill contained a provision (sec. 1274) that would extend the authority of the Department of Defense to establish, develop, and maintain non-conventional assisted recovery (NAR) capabilities for three additional years and modify the eligibility of personnel for whom such support may be provided.

The House amendment contained a similar provision that would modify section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), to permit the recovery of individuals identified by the Secretary of Defense when a non-conventional assisted recovery capability is already in place and would extend the authority through 2020.

The Senate recesses with a technical amendment.

The conferees direct the Department to ensure that the planning, initiation, sustainment, and utilization of NAR capabilities are fully coordinated and de-conflicted with other U.S. departments and agencies who may also play a role in the recovery of designated individuals overseas. (The conferees also note that non-conventional assisted recovery is a traditional military activity and the authority modified and extended by this provision does not authorize the conduct of intelligence activities.)

*Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama (sec. 1283)*

The House amendment contained a provision (sec. 1248) that would authorize the Secretary of Defense to destroy eight chemical munitions on San Jose Island, Panama. The use of these funds shall not take effect until there is an agreement between the United States and Panama that such munitions are termed “old chemical weapons” and not “abandoned chemical weapons” and that per the prior lease agreement, the United States is under no legal obligation to destroy any additional chemical munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of

research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947. This provision is not applicable to agreements with or obligations to countries other than Panama.

The Senate bill contained a similar provision (sec. 1421).

The Senate recesses.

*Sense of Congress on military exchanges between the United States and Taiwan (sec. 1284)*

The Senate bill contained a provision (sec. 1243) that directed the Secretary of Defense to carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan, both in the United States and Taiwan, designed to improve military to military relations between the United States and Taiwan.

The House amendment contained a similar provision (sec. 1254) that expressed a sense of the congress that the Secretary of Defense should conduct a program of senior military exchanges between the United States and Taiwan, both in the United States and Taiwan, that have the objective of improving military-to-military relations and defense cooperation between the United States and Taiwan.

The House recesses with an amendment that the Secretary of Defense should carry out such a program of exchanges, both in the United States and Taiwan.

*Limitation on availability of funds to implement the Arms Trade Treaty (sec. 1285)*

The House amendment contained a provision (sec. 1259A) that would prohibit the use of funds to implement the Arms Trade Treaty unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation. The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 801 note) contained a similar provision.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment.

*Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises (sec. 1286)*

The Senate bill contained a provision (sec. 1204) that would prohibit the Secretary of Defense from using any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress certain assurances. The provision would provide an exception to the prohibition for any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

The House amendment contained a similar provision (sec. 1259B) that would prohibit the use of funds authorized to be appropriated or otherwise made available to the Department of Defense for any bilateral military-to-military contact or cooperation between the Governments of the United States and Cuba until the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions.

The Senate recesses with an amendment that would prohibit the Secretary of Defense from using any funds authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense unless the Secretary of Defense and the Secretary of State, in consultation with the Di-

rector of National Intelligence, certify to the appropriate congressional committees that the Government of Cuba has taken specified actions, with certain exceptions.

It is the intent of the conferees that the exception contained in subsection (b)(1) of this section includes periodic contact between appropriate officials of the Governments of the United States and Cuba concerning the security and management of personnel and facilities at Naval Station Guantanamo Bay, commonly referred to as “fence-line talks,” which have been a routine and ongoing activity for many years and have proven important to ensuring the safety of U.S. personnel serving at Naval Station Guantanamo Bay.

*Global Engagement Center (sec. 1287)*

The House amendment contained a provision (sec. 1259C) that would direct the Secretary of State in coordination with the Secretary of Defense (and relevant federal departments and agencies and partner nations) to establish a Global Engagement Center (GEC) within 6 months of enactment. The GEC’s general purpose would be to discover, expose and counter foreign government information warfare efforts (to include foreign propaganda and disinformation efforts) and proactively advance fact-based narratives that support US allies and interests. The GEC would terminate 5 years after enactment.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that included changes to the purpose and functions of the GEC, further specified the appointment, delegation and scope and responsibility and authority of the head of the GEC, modified the authority to transfer funds for the GEC, added a reporting requirement to the appropriate congressional committees, and extended the termination of the GEC to 8 years after enactment.

*Modification of United States International Broadcasting Act of 1994 (sec. 1288)*

The House amendment contained a provision (sec. 1259D) that would amend Section 304 of P.L. 103-236 (22 USC 6203) to permanently establish the Chief Executive Officer (CEO) position as head of the Broadcasting Board of Governors (BBG), the federal agency that oversees all U.S.-funded non-military international broadcasting, while removing the nine-member bipartisan Board that currently heads the agency. It would also provide certain new flexibilities in the BBG CEO’s authorities, including expanded authority to allow the BBG CEO to direct appropriated funds and to hire certain personnel. The House amendment also contained a provision (sec. 1259E) that would authorize the BBG CEO to consolidate the current U.S. international broadcasters that receive federal grants as independent non-profit corporations (Radio Free Europe/Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks) into one grantee broadcaster, with certain related expanded supervisory roles and authorities vested in the BBG CEO. This provision would also authorize the BBG CEO to establish a similar non-federal broadcasting corporation, receiving a federal operating grant, to assume the broadcasting responsibilities of the Voice of America (VOA, the federal government broadcaster operating within the BBG), and abolish VOA as a federal entity.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would eliminate the timing requirement for nomination of the BBG CEO, add a notification requirement for redirection of funds, establish the international broadcasting advisory board, add a mission definition for the consolidated broadcast entities,

and deleted specific discussion of Voice of America.

*Redesignation of South China Sea Initiative (sec. 1289)*

The Senate bill contained a provision (sec. 1246) that would redesignate the South China Sea Initiative (Public Law 114-92; 129 Stat. 1073; U.S.C. 2282 note) as the Southeast Asia Maritime Security Initiative.

The House amendment contained a similar provision (sec. 1259F).

The Senate recedes.

The conferees believe that the United States should continue supporting the efforts of countries participating in the Southeast Asia Maritime Security Initiative to strengthen their maritime security capacity, domain awareness, and integration of their capabilities.

*Measures against persons involved in activities that violate arms control treaties or agreements with the United States (sec. 1290)*

The House amendment contained a provision (sec. 1259L) that would require the President to impose certain measures on a person the President determines has engaged in any activity that contributed to the President's or Secretary of State's determination that such a country is not in full compliance with its obligations undertaken in all arms control, on proliferation, and disarmament agreements to which the United States is participating state. Certain measures, exceptions, remedies, and waivers are included in the provision, including an exception for sanctions that would impact contracts related to major routes of supply; a waiver on a case-by-case if the person or entity engaging in, or supporting, an activity that contributed to a country not being in full compliance did not knowingly engage in such activity, and such waiver is in the interest of the national security of the United States; and termination of sanctions when the country concerned is no longer in violation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Treasury to produce a list of persons (including an entity or entities) involved in sanctionable activity under this section not later than 30 days after the annual report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments (required by 22 U.S.C. 2593a) has been submitted. Such person(s) would be subject to immediate sanction.

Additionally, the Senate amendment narrows the scope of the new sanction only to those countries who are not determined to be closely cooperating with the United States by the Director of National Intelligence.

The Senate amendment also required the waiver tied to a knowing violation include a requirement that such conduct has been terminated or that verifiable assurances that the person will terminate such activity have been provided.

The Senate amendment further provides waiver authority if the President determines on a case-by-case basis that the imposition of a sanction under this section would jeopardize an intelligence source or method. The conferees expect this waiver to be used only when there is a clear and specific risk that sources and methods would be compromised or exposed. Detailed information on such risk will be reported to the specified congressional committees.

The Senate amendment also provides measures to delay the immediate imposition of sanctions if the President determines the government of the country concerned has taken specific and effective actions, including penalties as appropriate, to terminate

the involvement of a domiciled person in the activity that triggered sanctions. This delay includes up to 120 days if the President initiates consultations with the government of the country concerned and an additional 120 days if such government is in the process of taking specific and effective actions to terminate the involvement of a domiciled entity in the activity that triggered sanctions.

The Senate amendment contains additional measures for termination if the person has ceased the activity contributing to a country's violation.

*Agreements with foreign governments to develop land-based water resources in support of and in preparation for contingency operations (sec. 1291)*

The House amendment contained a provision (sec. 1259Q) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to enter into agreements with foreign nations to develop land-based water resources in support of contingency operations.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the appropriate congressional committees 30 days after entering into an agreement.

*Enhancing defense and security cooperation with India (sec. 1292)*

The Senate bill contained a provision (sec. 1247) that would enhance military cooperation between the United States and India by recommending the Secretary of Defense take certain steps regarding exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government.

The House amendment contained a similar provision (sec. 1262) that would require certain actions by the Secretary of Defense and the Secretary of State to enhance defense and security cooperation between India and the United States.

The Senate recedes with an amendment.

*Coordination of efforts to develop free trade agreements with sub-Saharan African countries (sec. 1293)*

The Senate bill contained a provision (sec. 1271) that would amend section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723).

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Extension and expansion of authority to support border security operations of certain foreign countries (sec. 1294)*

The Senate bill contained a provision (sec. 1272) that would expand the authority under section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1056; 22 U.S.C. 2551 note) to provide assistance to the Governments of Jordan and Lebanon to support efforts to enhance security along borders with Syria and/or Iraq to also provide assistance to the Governments of Tunisia and Egypt to support efforts to enhance security along borders with Libya.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Should funds from the Counter Islamic State of Iraq and the Levant Fund be utilized to conduct activities pursuant to this authority, the conferees direct the Secretary of Defense to submit to the congressional defense committees a notification not later than 15 days before providing such support.

*Modification and clarification of United States-Israel anti-tunnel cooperation authority (sec. 1295)*

The Senate bill contained a provision (sec. 1273) that would increase the annual limitation of the authority under section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) for the Secretary of Defense, in consultation with the Secretary of State, to carry out research, development, test, and evaluation, on a joint basis with Israel to establish anti-tunnel defense capabilities to detect, map, and neutralize underground tunnels.

The House amendment contained no similar provision.

The House recedes.

*Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the "600 series" of the Commerce Control List (sec. 1296)*

The Senate bill contained a provision (sec. 886) that would amend section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) to maintain the prohibition on procuring military items from China.

The House amendment contained no similar provision.

The House recedes.

*International sales process improvements (sec. 1297)*

The Senate bill contained a provision (sec. 881) that would require the Secretary of Defense to develop a plan to improve the management and use of fees collected on the transfer of defense articles and services under programs in which the Defense Security Cooperation Agency has administrative responsibilities.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify requirements to be addressed in the plan and require that the plan be submitted to the congressional defense committees no later than 180 days after the date of enactment of this Act.

*Efforts to end modern slavery (sec. 1298)*

The Senate bill contained a provision (sec. 1276) that would require the Secretary of Defense to implement policies and procedures to ensure Armed Forces personnel engaged in partnership activities with foreign nations receive education and training on human slavery, and to ensure the United States Armed Forces maximize efforts to appropriately assist in combatting trafficking in persons. The provision would authorize grants to support transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in target populations within partner countries.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Modification and extension of authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction*

The House amendment contained a provision (sec. 1203) that would modify section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to include a 48-hour congressional notification when assistance expected to exceed \$4.0 million is provided to certain foreign countries, to cap the funds available at \$20.0 million, and extend the authority 1 year, through September 30, 2020.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that elsewhere in this Act is a provision that would consolidate multiple authorities to build the capacity of friendly foreign nations to conduct specified operations, to include counter-weapons of mass destruction operations. The conferees intend for activities conducted to date under section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) to be conducted under the new building partnership capacity in the new chapter 16 on security cooperation without disruption. Further, the conferees intend that such activities to build the capacity of friendly foreign nations to conduct counter-weapons of mass destruction operations will continue to be administered by the Director of the Defense Threat Reduction Agency.

*Report on the prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights*

The House amendment included a provision (sec. 1208) that would require the Secretary of Defense to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights).

The Senate bill included no similar provision.

The House recedes.

The conferees direct the Secretary of Defense, no later than 180 days after the enactment of this Act, to submit to the congressional defense committees a report on the implementation of section 294 of title 10, United States Code (relating to prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights). The report shall include (1) A detailed description of the policies and procedures governing the manner in which Department of Defense personnel identify and report information on gross violations of human rights and how such information is shared with personnel responsible for implementing the prohibition in subsection (a)(1) of section 294 of title 10, United States Code; (2) The funding expended in fiscal years 2015 and 2016 for purposes of implementing section 294 of title 10, United States Code, including any relevant training of personnel, and a description of the titles, roles, and responsibilities of the personnel responsible for reviewing credible information relating to human rights violations and the personnel responsible for making decisions regarding the implementation of the prohibition in subsection (a)(1) of such section 294; (3) An addendum that includes any findings or recommendations included in any report issued by a Federal Inspector General related to the implementation of section 294 of title 10, United States Code, and, as appropriate, the Department of Defense's response to such findings or recommendations; (4) Implementation of section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015; and (5) Any other matters the Secretary determines is appropriate.

*Sense of Congress on United States policy and strategy in Afghanistan*

The House amendment contained a provision (sec. 1215) that would express the sense of Congress that the President should authorize a certain number of United States troops for missions in Afghanistan and provide the appropriate authorities, capabilities, and resources to ensure both mission success and adequate force protection for United States forces.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the United States continues to have vital national security interests in ensuring that Afghanistan is a stable, sovereign country and that stability and security in Afghanistan reinforces stability and security in the region. The conferees urge the President to ensure that the commander in Afghanistan has the required resources, authorities, and capabilities to protect U.S. and Coalition troops and to enable their counterterrorism and train, advise and assist missions. Further, the conferees believe that the United States should continue to provide the required support to the Afghan National Defense and Security Forces to secure Afghanistan.

*Sense of Congress relating to Dr. Shakil Afridi*

The House amendment contained a provision (sec. 1218) that would establish findings and a sense of Congress regarding the continued detention of Dr. Shakil Afridi by the Pakistani government.

The Senate bill contained no similar provision.

The House recedes.

The conferees note the contributions of Dr. Afridi to efforts to locate Osama bin Laden, remain concerned about Dr. Afridi's continuing incarceration, and urge the Government of Pakistan to release him immediately.

*Report on access to financial records of the Government of Afghanistan to audit the use of funds for assistance for Afghanistan*

The House amendment contained a provision (sec. 1219) that would require the Secretary of Defense to submit a report to Congress on the extent to which the Combined Security Transition Command-Afghanistan has adequate access to financial records of the Government of Afghanistan to audit the use of funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for assistance for Afghanistan.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to provide a briefing to the congressional defense committees not later than 90 days after the enactment of this Act on the extent to which the Department of Defense has adequate access, for accountability purposes, to financial records of the Government of Afghanistan associated with the use of funds authorized to be appropriated by this act or otherwise made available for fiscal year 2017 for security assistance for Afghanistan.

*Report on prevention of future terrorist organizations in Iraq and Syria*

The House amendment contained a provision (sec. 1224) that would require the Secretary of Defense to submit a report that describes the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria that may present a danger to the United States, its allies, and the stability of Iraq, Syria, and the rest of the Middle East region.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a report to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than one year after the date of the enactment of this Act on the political and military strategies to defeat the

Islamic State in Iraq and the Levant (ISIL), and on the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria. At a minimum, the briefing should include a description of: (1) the military conditions that must be met for ISIL to be considered defeated; (2) the plan for achieving a political transition in Syria; (3) a plan for Iraqi political reform and reconciliation among ethnic groups and political parties; (4) an assessment of the required future size and structure of the Iraqi Security Forces, including irregular forces; and (5) a description of the roles and responsibilities of U.S. allies and partners and other countries in the region in establishing regional stability.

The conferees also direct the Comptroller General of the United States to submit to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, not later than one year after the date of the enactment of this Act, a report on the United States' and the Government of Iraq's capacities to apply transparency and anti-fraud mechanisms, accounting and internal controls standards, and other financial management and accountability measures to transfers of cash and other forms of assistance provided to the Iraqi Security Forces, including irregular forces, and other recipients through the Iraq Train and Equip Fund.

*Semiannual report on integration of political and military strategies against ISIL*

The House amendment contained a provision (sec. 1225) that would require the Secretary of Defense and Secretary of State to jointly submit a semi-annual report on the political and military strategies to defeat the Islamic State in Iraq and the Levant. The provision would also require the Comptroller General of the United States to review certain financial management and accountability measures relating to assistance provided through the Iraq Train and Equip Fund.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that matters raised by the House provision are addressed elsewhere in this report.

*Sense of Congress condemning continuing attacks on medical facilities in Syria*

The House amendment contained a provision (sec. 1226) that would express the sense of Congress that the United States Government should condemn and call for an immediate end to attacks on medical facilities and medical providers in Syria and encourage the United States Government to support efforts to meet urgent humanitarian needs where appropriate.

The Senate bill contained no similar provision.

The House recedes.

The conferees note with deep concern continued attacks on civilians, medical personnel, and medical facilities in Syria. These attacks constitute violations of international humanitarian law. The conferees urge the Department of Defense to ensure these violations are documented and further encourage the Department of Defense to support, where appropriate, international efforts to meet humanitarian and medical needs in Syria.

*Sense of Congress on business practices of the Islamic State of Iraq and Syria*

The House amendment contained a provision (sec. 1228) that would express the sense of Congress that the United States should focus all necessary efforts in the Middle East

to disrupt the financing of the Islamic State of Iraq and the Levant (ISIL) through oil production and sale.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain prepared to provide U.S. military forces engaged in Operation Inherent Resolve and other counterterrorism operations across the globe with the resources and authorities necessary to defeat the Islamic State in Iraq and the Levant, al Qaeda, and forces associated with these groups, including the resources and authorities necessary to disrupt the financing of those groups through oil production and sale.

*Statement of policy on United States efforts in Europe to reassure United States partners and allies and deter aggression by the Government of the Russian Federation*

The House amendment contained a provision (sec. 1234) that would express a statement that it is the policy of the United States to reassure U.S. partners and allies in Europe and to deter aggression by the Government of the Russian Federation in order to enhance regional and global security and stability.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain concerned about the evolving security situation throughout the European continent. A revanchist Russian Federation, rising incidents of terrorism, and unprecedented refugee and migrant flows are among the issues that continue to present significant security challenges to the region. The conferees recognize the North Atlantic Treaty Organization (NATO) as the cornerstone of transatlantic security cooperation and the guarantor of peace and stability in Europe. The conferees believe that NATO members must continue to review defense spending to ensure sufficient funding is obligated to meet security needs, as well as providing adequate NATO contributions. The fulfillment of NATO members' commitments to allocate a minimum of two percent of Gross Domestic Product (GDP) for defense expenditures and 20 percent of defense expenditures on major equipment, is of vital importance to the health of the NATO alliance. The conferees remain committed to supporting and upholding the policies enumerated in the NATO 2012 Wales Summit and the NATO 2016 Warsaw Summit including full realization of the Readiness Action Plan, fulfillment of defense spending commitments, and timely implementation of an enhanced forward military presence.

The conferees support U.S. efforts to increase presence in the European theater and commend the work of the Department of Defense thus far to reassure U.S. allies and partners in the region, increase NATO interoperability, provide critical training and assistance to European allies and partners, and deter Russian aggression. The conferees view the fiscal year 2017 President's Budget Request of \$3.42 billion for the European Deterrence Initiative (EDI) as an important step to support the stability and security of the region and deter further Russian antagonism and aggression. EDI will continue to serve as an important tool to bolster U.S. force presence in the region, train and equip the security forces of European partners and allies, enhance indications and warning mechanisms, and improve U.S. agility and flexibility through strategic infrastructure investments. The conferees believe additional emphasis is necessary on developing capabilities for countering unconventional methods of warfare such as cyber warfare, economic coercion, information operations, and

intelligence operations. The conferees encourage the Department of Defense to include EDI resources and programs in the base budget in order to ensure persistent funding support as well as the ability to plan for long-term investments towards the security and stability of the European continent.

*European investment in security and stability*

The Senate bill contained a provision (sec. 1234) that would express the sense of Congress that North Atlantic Treaty Organization (NATO) allies and European partners are indispensable to addressing global security challenges and that their investment in developing and employing robust security capabilities in Europe should meet or exceed U.S. efforts in this regard and would require an accounting by the Secretary of Defense of current and planned security investments by NATO allies and European partners.

The House amendment contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of Defense, not later than 60 days after the date of the enactment of this Act, to present to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations. The presentation should include a summary of major outcomes from recent NATO summits, as well as a detailed accounting of initiatives by other NATO members and European partners to: a.) deter security challenges posed by Russia, b.) increase capabilities to respond to unconventional or hybrid warfare tactics, c.) enhance security in Europe in ways that match or compliment United States contributions to conventional deterrence in the region, d.) contribute to the campaign to counter the Islamic State of Iraq and the Levant and the NATO-led mission in Afghanistan, and e.) counter terrorism in Europe and Africa, as well as any other matters the Secretary of Defense considers appropriate.

*Sense of Senate on European Deterrence Initiative*

The Senate Bill contained a provision (sec. 1235) that would express the sense of the Senate that the European Deterrence Initiative will bolster efforts to deter further Russian aggression, enhance the capability to defend territorial integrity and preserve regional stability, and improve the agility and flexibility of military forces to address threats across the full spectrum of warfighting requirements and diverse geographic locations. The provision would also express the sense of the Senate that such efforts as the European Deterrence Initiative should be in the base budget of the Department of Defense to address long-term stability on the European continent.

The House amendment contained no similar provision.

The Senate recesses.

The conferees note that support for the European Deterrence Initiative and its importance to the stability and security of the region and deterring further Russian antagonism and aggression is addressed elsewhere in this report.

*Modification and extension of report on military assistance to Ukraine*

The House amendment contained a provision (sec. 1237) that would express the sense of Congress that the United States should continue to support the Government of Ukraine's efforts to provide and maintain security in Ukraine including support to the Ukrainian military, the Ukrainian National Guard, and the State Border Guard Service of Ukraine.

The Senate bill contained no similar provision.

The House recesses.

The conferees remain deeply concerned about the ongoing threats to the sovereignty and territorial integrity of Ukraine, including the continued violations of ceasefire agreements by Russia and Russian-backed separatists. The conferees urge the Department of Defense to continue to provide robust support to the Government of Ukraine, including through lethal assistance, to help defend against such aggression. The conferees note that authorization to provide assistance to the State Border Guard Service of Ukraine is included in another provision of this Act.

*Sense of Congress on malign activities of the Government of Iran*

The House amendment contained a provision (sec. 1241) that would express the sense of Congress that the United States should increase efforts to counter the continued expansion of malign activities of the Government of Iran in the Middle East.

The Senate bill contained no similar provision.

The House recesses.

The conferees urge the Secretary of Defense to increase efforts to counter the Government of Iran's malign activities, including by maintaining a robust U.S. military presence forward deployed in the United States Central Command area of responsibility and by further enhancing regional ballistic missile defense capabilities and cooperation.

*Inclusion of the Philippines among allied countries with whom United States may enter into cooperative military airlift agreements*

The Senate bill contained a provision (sec. 1242) that would include the Philippines among allied countries that the United States can enter into a cooperative military airlift agreement with.

The House amendment contained no similar provision.

The Senate recesses.

*Sense of Congress on trilateral cooperation between Japan, South Korea, and the United States*

The House amendment contained a provision (sec. 1243) that expressed a sense of the Congress that Japan and the Republic of Korea (South Korea) are both treaty allies and critically important security partners of the United States.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued importance of trilateral cooperation among the United States, Japan, and the Republic of Korea. More specifically, the conferees believe the United States should continue to support defense cooperation between Japan and the Republic of Korea on the full range of issues related to North Korea as well as other security challenges in the Asia-Pacific region.

*Sense of Congress on cooperation between Singapore and the United States*

The House amendment contained a provision (sec. 1244) that expressed a sense of the Congress regarding continued cooperation between the United States and the Republic of Singapore.

The Senate bill contained no similar provision.

The House recesses.

The conferees recognize the continued role Singapore has played as a security partner in Southeast Asia, including its recent decision to host rotational P-8 Poseidon deployments.

*United States policy on Taiwan*

The Senate bill contained a provision (sec. 1244) that expressed a sense of the Senate

that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, with the objective of reinforcing its commitment to the Taiwan Relations Act and the "Six Assurances."

The House amendment contained a similar provision (sec. 1259) that directs the Secretary of Defense and the Secretary of State to jointly submit to the appropriate committees of Congress a report that contains a description of the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) no later than February 15, 2017.

The legislative provisions were not adopted.

The conferees direct the Secretary of Defense and the Secretary of State to provide a briefing to the congressional defense committees on the steps the United States has taken, plans to take, and will take to provide Taiwan with arms of a defensive character in accordance with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) no later than September 1, 2017.

The conferees believe the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan, support the efforts of Taiwan to integrate innovative and asymmetric capabilities, including undersea warfare capabilities optimized for the defense of the Taiwan Strait, assist Taiwan in building an effective air defense capability consisting of a balance of fighters and mobile air defense systems, and permit Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

*Sense of Congress on military relations between Vietnam and the United States*

The Senate bill contained a provision (sec. 1245) that expressed a sense of the Senate that removing the prohibition on the sale of lethal military equipment to the Government of Vietnam would further United States national security interests, that any future arms sales by the United States to Vietnam should be monitored to ensure that Vietnam continues to make progress on human rights and that arms sold in the future are not being used by Vietnam in ways that violate the human rights and freedom of civilians in Vietnam.

The House amendment contained a similar provision (sec. 1259V) that expressed a sense of the Congress that the United States Government should review its policy on the transfer of lethal weapons to Vietnam and that it should evaluate certain human rights benchmarks when providing military assistance to Vietnam.

The legislative provisions were not adopted.

The conferees support the decision to fully lift the ban on the sale of lethal military equipment to Vietnam and believe that the United States Government must continue to monitor Vietnam's human rights record in the context of providing Vietnam with lethal military equipment in the future.

*Annual report on foreign military sales to Taiwan*

The House amendment contained a provision (sec. 1256) that directs the Secretary of Defense to submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report that lists each request received from Taiwan and each letter of offer to sell any defense articles or services under this Act to Taiwan during such fiscal year.

The Senate bill contained no similar provision.

The House recedes.

Elsewhere in this report, the conferees note that the United States should conduct regular transfers of defense articles and defense services with the government of Taiwan.

*Sense of Congress in support of a denuclearized Korean peninsula*

The House amendment contained a provision (sec. 1259K) that expressed a sense of the Congress that United States foreign policy should support a denuclearized Korean peninsula.

The Senate bill contained no similar provision.

The House recedes.

The conferees express their strong support for the decision to deploy the Terminal High Altitude Area Defense (THAAD) missile defense system to the Republic of Korea. The conferees regard this deployment as benefiting the United States and the Republic of Korea by further protecting the citizens of both countries against the threat of missile attack on the Korean Peninsula.

*Authority to grant observer status to the military forces of Taiwan at RIMPAC exercises*

The House amendment contained a provision (sec. 1259P) that authorized the Secretary of Defense to grant observer status to the military forces of Taiwan in the maritime exercise known as the Rim of the Pacific Exercise.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has the authority to invite Taiwan to the Rim of the Pacific exercise.

*Sense of Congress on commitment to the Republic of Palau*

The Senate bill contained a provision (sec. 1277) that would express a sense of the Congress that Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010.

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe that enacting the Compact Review Agreement is important to United States' national security interests and, as such, believe that the President should include the Compact Review Agreement in the Fiscal Year 2018 budget request.

*Sense of Congress on support for Estonia, Latvia, and Lithuania*

The House amendment contained a provision (sec. 1251) that would express the sense of the Congress on support for the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, including support for their sovereignty.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

*Sense of Congress on security sector assistance*

The Senate bill contained a provision (sec. 1251) that would express the Sense of the Congress on the security cooperation programs and activities of the Department of Defense, as well as the broader security sector assistance activities of the U.S. government.

The House amendment contained no similar provision.

The Senate recedes.

*Sense of Congress on support for Georgia*

The House amendment contained a provision (sec. 1252) that would express the sense of the Congress on support for Georgia's sov-

ereignty and territorial integrity as well as support for continued cooperation between the United States and Georgia.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for allies and partners in Europe is addressed elsewhere in this report.

*Sense of Congress regarding on July 2016 NATO Summit in Warsaw, Poland*

The House amendment contained a provision (sec. 1257) that would express the sense of the Congress on supporting certain outcomes of the July 2016 North Atlantic Treaty Organization (NATO) Summit in Warsaw, Poland.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that support for certain outcomes of the NATO Summit is addressed elsewhere in this report.

*Report on violence and cartel activity in Mexico*

The House amendment contained a provision (sec. 1258) that would require the Secretary of Defense to submit to the congressional defense committees a report on violence and cartel activity in Mexico and the impact on the national security of the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the ongoing violence associated with transnational organized crime poses a threat to the security interests of Mexico and the United States. The conferees recognize the shared commitment of the United States and Mexico to combat this threat and expect the Secretary of Defense to update periodically the Committees on Armed Services of the House of Representatives and the Senate on the Department's security cooperation activities with the Government of Mexico.

*Opportunities to equip certain foreign military entities*

The House amendment contained a provision (sec. 1259G) that would add the requirement for a report that describes efforts to make United States manufacturers aware of opportunities to equip foreign military forces approved to receive assistance from the United States and any new plans to raise awareness of such opportunities.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense and the Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, within 180 days of the enactment of this act, on efforts to make United States manufacturers aware of procurement opportunities related to equipping foreign security forces approved to purchase or receive equipment from United States manufacturers.

*Sense of Congress regarding the role of the United States in the North Atlantic Treaty Organization*

The House amendment contained a provision (sec. 1259I) that would express the sense of the Congress that continued United States leadership in the North Atlantic Treaty Organization is critical to the national security of the United States.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the importance of continued United States leadership in the North Atlantic Treaty Organization is addressed elsewhere in this report.

*Authorization of United States assistance to Israel*

The House amendment contained a provision (sec. 1259J) that would authorize the President to provide assistance to Israel to improve maritime security and maritime domain awareness.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that maritime security and maritime domain awareness in the Eastern Mediterranean Sea are critical not only to the security of Israel but also to U.S. national security interests and encourage the Department of Defense to continue efforts to develop and improve capabilities in these areas.

*Department of Defense report on cooperation between Iran and the Russian Federation*

The House amendment contained a provision (sec. 1259M) that would require a report on cooperation between Iran and the Russian Federation.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct the Secretary of Defense and Secretary of State to jointly provide a briefing to the congressional defense committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee not later than 180 days after the date of the enactment of this Act, on cooperation between Iran and the Russian Federation. The briefing shall, at a minimum, include (1) how such cooperation affects the national security interests of the United States; (2) cooperation relating to the conflict in Syria; (3) weapons, if any, transferred from Russia to Iran; (4) cooperation, if any, in space and to what extent those capabilities can be applied to Iran's ballistic missile program; and (5) naval cooperation in the Eastern Mediterranean Sea and Arabian Gulf.

*Report on maintenance by Israel of a robust independent capability to remove existential security threats*

The House amendment contained a provision (sec. 1259N) that would express the sense of Congress that Israel should be able to defend its vital national interests and protect its territory and population against existential threats. The provision would also require a report to certain committees of Congress that would identify capabilities and platforms requested by the Government of Israel that would contribute to the maintenance of Israel's defensive capability, assess the availability for sale or transfer of such items, and describe what steps the President is taking to transfer those items.

The Senate bill contained no similar provision.

The House recesses.

*Report on use by the Government of Iran of commercial aircraft and related services for illicit military or other activities*

The House amendment contained a provision (sec. 1259O) that would require a report to certain committees of Congress on the use by the Government of Iran of commercial aircraft and related services for illicit military and other activities for the past five years.

The Senate bill contained no similar provision.

The House recesses.

The conferees direct that not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall provide a briefing to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of

the House of Representatives on the use of the commercial entities by the Government of Iran for illicit military or other activities during the 5-year period ending on the date of enactment of this Act. The briefing, at a minimum, should include a description of the extent to which: (1) the Government of Iran has used commercial entities to facilitate the shipment of illicit cargo; (2) the commercial sector of Iran has provided financial, material, and technological support to the Islamic Revolutionary Guard Corps (IRGC); and (3) foreign governments and persons have facilitated such activities, including allowing the use of airports, services, or other resources.

*Extension of reporting requirements on the use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers*

The House amendment contained a provision (sec. 1259R) that would amend section 1252(a) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 8808(a)).

The Senate bill contained no similar provision.

The House recesses.

*Sense of Congress on integrated ballistic missile defense system for GCC partner countries, Jordan, Egypt and Israel*

The House amendment contained a provision (sec. 1259T) that would express the sense of Congress that to assist in preventing an attack by Iran, the United States should encourage and enable as appropriate an integrated ballistic missile defense system that links GCC partner countries, Jordan, Egypt, and Israel.

The Senate bill contained no similar provision.

The House recesses.

The conferees encourage the United States Government to continue to work towards a ballistic missile defense system that integrates the capabilities of Gulf Cooperation Council partner nations.

*Authority to provide assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, Arabian Sea, or Mediterranean Sea*

The House amendment contained a provision (sec. 1259U) that would authorize assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, the Arabian Sea, or the Mediterranean Sea in order to deter and counter illicit smuggling and related maritime activity by Iran, including illicit Iranian weapons shipments.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that this provision would be duplicative of provisions included elsewhere in this Act. The conferees further note that the stated purpose of this provision is indeed an important matter—maritime security in the Arabian Sea, Arabian Gulf, and Mediterranean Sea are critical to U.S. national security interests and the global marketplace.

*Report on efforts to combat Boko Haram in Nigeria and the Lake Chad Basin*

The House amendment contained a provision (sec. 1259W) that would express a sense of Congress and require the Secretary of Defense, the Secretary of State, and the Attorney General to jointly submit to Congress a report on efforts to combat Boko Haram against the people of Nigeria and the Lake Chad Basin.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the ongoing violence and abhorrent human rights violations

perpetrated by the terrorist group Boko Haram against the people of the Lake Chad Basin region of Africa poses a threat to the regional stability and to the security interests of the United States associated with ongoing violence and the gross human rights violations against the people of the Lake Chad Basin carried out by Boko Haram and the need to investigate and prosecute such violations. The conferees also note the need to bring to justice those responsible for such atrocities should be brought to justice. The conferees recognize the shared commitment of the United States and countries of the Lake Chad Basin to combat Boko Haram and expect the Secretary of Defense to update the Committees on Armed Services of the House of Representatives and the Senate periodically on the Department's activities in this regard.

*Security cooperation enhancement fund*

The Senate bill contained a provision (sec. 1260) that would create a central fund for the security cooperation programs and activities of the Department of Defense.

The House amendment contained no similar provision.

The House recesses.

*Coordination between Department of Defense and Department of State on certain security cooperation and security assistance programs and activities*

The Senate bill contained a provision (sec. 1264) that would require the Secretary of Defense and the Secretary of State not later than 90 days after enactment of this Act to establish interim regulations and, not later than 270 days after enactment of this Act, final regulations, to establish a formal process for the two Departments on all matters relating to the policy, planning, and implementation of security cooperation programs and activities as specified in the Act.

The House amendment contained no similar provision.

The Senate recesses.

*United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities*

The House amendment contained a provision (sec. 1227) that would seek the establishment of a United Nations processing center in Erbil, Iraqi Kurdistan, to assist internationally-displaced communities through the voice and vote of the United States at the United Nations.

The Senate bill contained no similar provision.

The House recesses.

*TITLE XIII—COOPERATIVE THREAT REDUCTION  
Specification of Cooperative Threat Reduction funds (sec. 1301)*

The Senate bill contained a provision (sec. 1301) that would authorize funds to be appropriated by the Department of Defense for the Cooperative Threat Reduction Program.

The House amendment contained an identical provision (sec. 1301).

The conference agreement includes this provision.

*Funding allocations (sec. 1302)*

The Senate bill contained a provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program from within the overall \$325.6 million that the committee would authorize for the CTR Program. The allocation under this section reflects the amount of the budget request for fiscal year 2017.

The House amendment contained a similar provision (sec. 1302) that would allocate funding for the Cooperative Threat Reduction program at \$325.6 million, including for certain specific purposes. In addition, the House amendment would also extend certain

notification requirements, which would allow the committee to enhance its oversight of proposed CTR projects. Further, it would require a new determination as to whether other authorities are also available to the Secretary of Defense, and other Secretaries as applicable, and if they exist, an explanation for why the Secretaries were not able to use them for a specific proposed project.

The Senate recedes.

*Limitation on availability of funds for Cooperative Threat Reduction in People's Republic of China (sec. 1303)*

The House amendment contained a provision (sec. 1303) that would ensure Cooperative Threat Reduction funds are obligated or expended in quarterly installments. The provision would further require that the Secretary of Defense not obligate or expend funds for CTR activities in China unless he has submitted to the specific congressional committees a certification regarding certain nonproliferation benchmarks (including the arrest of Li Fangwei, also known as "Karl Lee") with respect to China.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that requires obligation or expenditure of such funds in semiannual installments. The amendment further requires that 15 days before funds are obligated, the Secretary of Defense shall submit to the congressional defense committees, the House Foreign Affairs Committee and the Senate Committee on Foreign Affairs the report on such activities as required by section 50 United States Code 3711(g). In addition to the matters required by 50 United States Code 3711(g), each report shall include in coordination with the Secretary of State whether China has taken material steps to disrupt proliferation activities of Li Fangwei; and arrest Li Fangwei pursuant to an indictment charged in the United States District Court of New York on April 29, 2014; and whether China has proliferated to any non-nuclear weapons state or any nuclear weapons state in violation of the Treaty on Non-Proliferation of Nuclear Weapons including any item that contributes to a ballistic missile as well as the number and type of demarches with respect to the above matters.

#### TITLE XIV—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

*Working Capital Funds (sec. 1401)*

The Senate bill contained a provision (sec. 1401) that would authorize appropriations for Defense Working Capital Funds at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

*Chemical Agents and Munitions Destruction, Defense (sec. 1402)*

The Senate bill contained a provision (sec. 1402) that would authorize the appropriations for Chemical Agents and Munitions Destruction, Defense, at levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1403).

The conference agreement includes this provision.

*Drug Interdiction and Counter-Drug Activities, Defense-Wide (sec. 1403)*

The Senate bill contained a provision (sec. 1403) that would authorize appropriations for Drug Interdiction and Counter-Drug Activities, Defense-Wide at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

*Defense Inspector General (sec. 1404)*

The Senate bill contained a provision (sec. 1404) that would authorize appropriations for the Office of the Inspector General at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

*Defense Health Program (sec. 1405)*

The Senate bill contained a provision (sec. 1405) that would authorize appropriations for the Defense Health Program activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained an identical provision (sec. 1406).

The conference agreement includes this provision.

Subtitle B—National Defense Stockpile  
*Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile (sec. 1411)*

The Senate bill contained a provision (sec. 1412) that would require the National Defense Stockpile (NDS) Manager to dispose of specific rare earth elements (REE) while also allowing funds available in the National Defense Stockpile Transaction Fund to be used for the acquisition of other materials.

The House amendment contained a similar provision (sec. 1411) that would grant permissive authority to the NDS Manager to dispose of specific REE while also allowing funds available in the NDS Transaction Fund to be used for the acquisition of other materials.

The Senate recedes.

The conferees note that REE acquisitions would alleviate some defense supply chain vulnerability as well as mitigate some risk of foreign reliance for REE and critical materials.

*National Defense Stockpile matters (sec. 1412)*

The Senate bill contained a provision (sec. 1411) that would amend section 4 of the Strategic and Critical Materials Stock Piling Act, title 50 United States Code, to provide the authority to recover, acquire, recycle, and manage the disposal of excess and recyclable strategic and critical materials containing rare earth elements (REE) from other federal agencies, including the Department of Defense. The provision would also enable the National Defense Stockpile (NDS) Manager to fund the qualification of domestically-produced strategic materials and REE, which could provide significant cost savings to DOD compared to foreign REE.

The House amendment contained a similar provision (sec. 1412).

The House recedes.

The conferees strongly believe that enabling the NDS to qualify domestic materials and create substitutions could provide a significant risk mitigation for DOD's supply chain and reduce the reliance upon foreign-sourced REE, along with cost-effective domestic and strategic alternatives.

Additionally, the conferees strongly encourage DOD to use its authority to recycle previously discarded items such as unclassified electronic waste, fluorescent lamps, batteries, magnets, and thermal barrier coatings in order to extract, reclaim, and reuse critical materials and REE to address DOD requirements.

Subtitle C—Chemical Demilitarization Matters

*National Academies of Sciences study on conventional munitions demilitarization alternative technologies (sec. 1421)*

The Senate bill contained a provision (sec. 1422) that would require the Secretary of the

Army in concurrence with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

Subtitle D—Other Matters

*Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1431)*

The Senate bill contained a provision (sec. 1431) that would authorize the Secretary of Defense to transfer \$122.4 million to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for 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.

The House amendment contained a similar provision (sec. 1421).

The Senate recedes.

*Authorization of appropriations for Armed Forces Retirement Home (sec. 1432)*

The Senate bill contained a provision (sec. 1432) that would authorize appropriations of \$64.3 million for the Armed Forces Retirement Home for fiscal year 2017.

The House amendment contained an identical provision (sec. 1422).

The conference agreement includes this provision.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*National Defense Sealift Fund*

The House amendment contained a provision (sec. 1402) that would authorize appropriations for the National Defense Sealift Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.

The House recedes.

*National Sea-Based Deterrence Fund*

The House amendment contained a provision (sec. 1407) that would authorize appropriations for the National Sea-Based Deterrence Fund at the levels identified in section 4501 of the House amendment.

The Senate bill contained no similar provision.

The House recedes.

*Security Cooperation Enhancement Fund*

The Senate bill contained a provision (sec. 1406) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4501 of division D of this Act.

The House amendment contained no similar provision.

The Senate recedes.

#### TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations  
*Purpose and treatment of certain authorizations of appropriations (sec. 1501)*

The Senate bill contained a provision (sec. 1501) that would establish this title and make authorization of appropriations available upon enactment of this Act for the Department of Defense, in addition to amounts otherwise authorized in this Act.

The House amendment contained a similar provision (sec. 1501).

The Senate recedes.

*Procurement (sec. 1502)*

The Senate bill contained a provision (sec. 1503) that would authorize additional appropriations for Procurement at the levels identified in section 4102 of division D of this Act.

The House amendment contained a similar provision (sec. 1502).

The Senate recedes.

*Research, development, test, and evaluation (sec. 1503)*

The Senate bill contained a provision (sec. 1504) that would authorize additional appropriations for Research, Development, Test, and Evaluation at the levels identified in section 4202 of division D of this Act.

The House amendment contained a similar provision (sec. 1503).

The Senate recedes.

*Operation and maintenance (sec. 1504)*

The Senate bill contained a provision (sec. 1505) that would authorize the additional appropriations for operation and maintenance activities.

The House amendment contained a similar provision (sec. 1504) that would authorize additional appropriations for operation and maintenance programs at the levels identified in section 4302 and section 4303 of division D of the amendment. This section would limit the appropriations for operation and maintenance identified in section 4302 to only be available for obligation until April 30, 2017.

The Senate recedes with an amendment that would allow funds to be available through the entirety of the fiscal year.

*Military personnel (sec. 1505)*

The Senate bill contained a provision (sec. 1506) that would authorize the additional appropriations for military personnel activities.

The House amendment contained a similar provision (sec. 1505) would authorize additional appropriations for military personnel programs at the levels identified in section 4402 and section 4403 of division D of the amendment. This section would limit the appropriations for military personnel activities identified in section 4402 to only be available for obligation until April 30, 2017.

The Senate recedes with an amendment that would allow funds to be available through the entirety of the fiscal year.

*Working capital funds (sec. 1506)*

The Senate bill contained a provision (sec. 1507) that would authorize the additional appropriations for the Defense Working Capital Funds.

The House amendment contained a similar provision (sec. 1506) would authorize additional appropriations for Defense Working Capital Funds at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Working Capital Funds to only be available for obligation until April 30, 2017.

The House recedes.

*Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1507)*

The Senate bill contained a provision (sec. 1508) that would authorize additional appropriations for Drug Interdiction and Counterdrug Activities, Defense-Wide at the levels identified in section 4502 of division D of this Act.

The House amendment contained a similar provision (sec. 1507).

The Senate recedes.

*Defense Inspector General (sec. 1508)*

The Senate bill contained a provision (sec. 1509) that would authorize additional appropriations for the Office of the Inspector Gen-

eral at the levels identified in section 4502 of division D of this Act.

The House amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

*Defense Health program (sec. 1509)*

The Senate bill contained a provision (sec. 1510) that would authorize additional appropriations for the Defense Health Program.

The House amendment contained a similar provision (sec. 1509) would authorize additional appropriations for the Defense Health Program at the levels identified in section 4502 of division D of the amendment. This section would limit the appropriations for the Defense Health Program to only be available for obligation until April 30, 2017.

The House recedes.

## Subtitle B—Financial Matters

*Treatment as additional authorizations (sec. 1511)*

The Senate bill contained a provision (sec. 1521) that would state that amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The House amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

*Special transfer authority (sec. 1512)*

The Senate bill contained a provision (sec. 1522) that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

The House amendment contained a similar provision (sec. 1522) that would authorize the transfer of up to \$4.5 billion of additional war-related funding authorizations in this title among the accounts in this title.

The Senate recedes with an amendment that would allow the Secretary of Defense to transfer up to \$3.5 billion of overseas contingency operation funding authorized for fiscal year 2017 in this title to unforeseen higher priority needs in accordance with normal reprogramming procedures.

## Subtitle C—Limitations, Reports, and Other Matters

*Afghanistan Security Forces Fund (sec. 1521)*

The Senate bill contained a provision (sec. 1533) that would require that amounts authorized for the Afghanistan Security Forces Fund (ASFF) for fiscal year 2017 continue to be subject to the conditions specified in subsections (b) through (g) of section 1513 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2008 Public Law 110-181, as amended. The provision would extend the authority under subsection 1532(b) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to accept certain equipment procured using ASFF funds and to treat such equipment as Department of Defense stocks as well as the goal of using \$25.0 million to support to the extent practicable the efforts of the Government of Afghanistan to promote the security of Afghan women and girls and report on a plan to promote the security of Afghan women as required by section 1531 of the National Defense Authorization Act of 2016.

The House amendment contained a similar provision (sec. 1531).

The House recedes with a technical amendment.

*Joint Improvised Explosive Device Defeat Fund (sec. 1522)*

The House amendment contained a provision (sec. 1532) that would modify subsection

1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) to extend the use and transfer authority for the Joint Improvised Explosive Device Defeat Fund (JIJEDDF) through fiscal year 2017. It would also modify section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to expand the foreign governments to whom assistance may be provided in order to counter the flow of improvised explosive device (IED) precursor chemicals.

The Senate bill contained a similar provision (sec. 1531) that would extend the use and transfer authority for the JIJEDDF for one year.

The Senate recedes with an amendment to modify and expand the reporting requirements under section 1532(c).

The conferees expect the expanded IED precursor chemical authority to be focused on efforts to counter the Islamic State of Iraq and the Levant. The conferees direct the Secretary of Defense to brief the congressional defense committees, not later than 90 days after enactment of this Act, regarding utilization of the IED precursor chemical authority to date, the plans for future employment of the authority, and a discussion of additional authorities that would be useful to the efforts to stem the flow of IED precursor chemicals and components.

Furthermore, the conferees note that Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), required a plan for transition of the Joint Improvised-Threat Defeat Agency (JIDA) activities, functions, and resources to an existing military department or Defense Agency. On January 29, 2016, the congressional defense committees were notified by the Under Secretary of Defense for Acquisition, Technology and Logistics that the entirety of activities, functions, and resources of JIDA would transition under the authority, direction, and control of the Defense Threat Reduction Agency (DTRA) not later than September 30, 2016 as the Joint Improvised-Threat Defeat Organization (JIDO).

The conferees support the transition of JIDA as JIDO under the authority, direction, and control of DTRA. Integration of the roles, mission, and activities of JIDA under DTRA should result in reduced overhead management costs while maintaining core competencies of each entity in order to respond to warfighter needs. The conferees commend the identification of potential areas to reduce overhead costs and achieve efficiencies in the transition plan submitted on August 21, 2016. However, the conferees note the lack of detail regarding the processes used to integrate cost reduction efforts into the ongoing transition plan needed to realize savings and efficiencies.

The conferees recognize the transition will impact both DTRA's and JIDA's organizational construct. The conferees also recognize that the transition and associated efficiencies may warrant changes in JIDA's leadership construct and associated billets as JIDA becomes an organization under the authority, direction, and control of DTRA.

Therefore, the conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to brief the congressional defense committees, not later than 60 days after enactment of this act, on the implementation of the transition of JIDA to DTRA as JIDO. The briefing shall include a progress report on the overhead cost reductions and efficiencies as well as cost reduction processes identified in the transition plan, an identification of efficiencies expected to be achieved in addition to those identified in the initial transition plan, the organizational and command and control constructs of DTRA and JIDO, an overview

of the combined budget estimations across the Future Years Defense Program, and a description of how the core competencies of both DTRA and JIDO are being retained in order to fulfill designated missions and respond to warfighter needs.

*Extension of authority to use Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices (sec. 1523)*

The House amendment contained a provision (sec. 1533) that would modify section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by extending the Authority to use the Joint Improvised Explosive Device Defeat Fund for training of foreign security forces to defeat improvised explosive devices and precursor chemicals from September 30, 2018, to September 30, 2020.

The Senate bill contained no similar provision.

The Senate recedes.

*Overseas contingency operations (sec. 1524)*

The Senate bill contained a provision (sec. 1502) that would designate authorization of appropriations in this section as overseas contingency operations.

The House amendment contained no similar provision.

The House recedes.

*Extension and modification of authorities on Counterterrorism Partnerships Fund (sec. 1525)*

The Senate bill contained a provision (sec. 1532) that would modify and extend for 1 fiscal year section 1534 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The House amendment contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Counterterrorism Partnerships Fund*

The House amendment included a provision (sec. 1510) that would authorize additional appropriations for the Counterterrorism Partnerships Fund (CTPF).

The Senate bill included no similar provision.

The House recedes.

The conferees note that elsewhere in this Act, funding requested by the Department of Defense for the CTPF was transferred to Operations and Maintenance, Defense-Wide, Defense Security Cooperation Agency, consistent with the reform of the Department of Defense's security cooperation programs and associated funding. It is the intent of the conferees that the CTPF funding transferred to the Defense Security Cooperation Agency be available for the purposes authorized in chapter 16 of title 10, United States Code as added elsewhere in this Act.

*Security Cooperation Enhancement Fund*

The Senate bill contained a provision (sec. 1511) that authorized appropriations for the Security Cooperation Enhancement Fund activities at the levels identified in section 4502 of division D of this Act.

The House bill contained no similar provision.

The Senate recedes.

*Codification of Office of Management and Budget criteria*

The House amendment contained a provision (sec. 1523) that would delineate guidance for the Secretary of Defense when submitting requests for overseas contingency operations.

The Senate bill contained no similar provision.

The House recedes.

#### TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

##### Subtitle A—Space Activities

*Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program (sec. 1601)*

The Senate bill contained a provision (sec. 1038) that would repeal section 8048 of the Department of Defense Appropriations Act, Fiscal Year 2016 (division C, Public Law 114-113; 129 Stat. 2363).

The House amendment contained no similar provision.

The House recedes.

*Exception to the prohibition on contracting with Russian suppliers of rocket engines for the evolved expendable launch vehicle program (sec. 1602)*

The House amendment contained a provision (sec. 1602) that would modify section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by striking subsection (c) and inserting a new subsection. The new subsection would state that the prohibition would not apply to either the placement of orders or exercise of options under the contract numbered FA8811-13-C-0003 and awarded on December 18, 2013, or contracts that are awarded for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation in addition to the Russian-designed or manufactured engines to which paragraph (1) applies.

The Senate bill contained a similar provision (sec. 829B) that would allow until December 31, 2022, the Secretary of Defense to award contracts to launch providers of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle. The provision would limit the total number of rocket engines designed or manufactured in the Russian Federation to not more than eighteen.

The Senate recedes with an amendment that would adopt the House language and prohibit the award of a contract requiring a rocket engine designed or manufactured in the Russian Federation after December 31, 2022.

*Rocket propulsion system to replace RD-180 (sec. 1603)*

The House amendment contained a provision (sec. 1601) that would modify section 1604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

*Plan for use of allied launch vehicles (sec. 1604)*

The Senate bill contained a provision (sec. 1602) that would require the Commander of the Air Force Space Command to develop a contingency plan for using allied space launch vehicles to meet assured access to space requirements should the Department of Defense not be able to meet those requirements, for a limited period of time, using only United States launch vehicles.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense

to coordinate the required plan with the Director of National Intelligence. The amendment would require the required plan assess the relevant laws, regulations, and policies governing the launch of national security satellites and whether any legislative, regulatory, or policy actions (including with respect to waivers) would be necessary to allow for the launch of a national security satellite on an allied launch vehicle. The amendment also requires an assessment of the certification requirements for using allied launch vehicles pursuant to the plan and the estimated cost, schedule, and actions that would be necessary to certify allied launch vehicles.

The conferees note that the term "allied launch vehicle" explicitly prohibits the consideration of space launch vehicles from Russia, China, Iran, and North Korea.

The conferees expect that the Secretary and Director take into consideration the findings of the related study of options for a backup plan for assured access to space as identified in the Fiscal Year 2016 National Defense Authorization Act Joint Explanatory Statement.

*Analysis of alternatives for wide-band communications (sec. 1605)*

The House amendment contained a provision (sec. 1603) that would amend section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) by striking subsection (b) and would insert a requirement for the Secretary of Defense to develop study guidance for the analysis of alternatives for wide-band communications to consider the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models. The provision would also require the Secretary to ensure that any cost assessments of military or commercial satellite communications systems include detailed full life cycle costs, as applicable, including but not limited to military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and to also identify any considerations relating to the use of military versus commercial systems for wide-band satellite communications. The provision would also direct the Comptroller General the United States to assess the sufficiency of the study.

The Senate bill contained a similar provision (sec. 1608) that would require the Comptroller General to assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the department.

The Senate recedes with an amendment that would combine the Senate and House provisions.

*Modification to pilot program for acquisition of commercial satellite communications services (sec. 1606)*

The Senate bill contained a provision (sec. 1601) that would amend section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to prohibit the obligation or expenditure of any funding made available until the Secretary of Defense submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The House amendment contained a similar provision (sec. 1604) that would also amend section 1605 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), as amended by section 1612 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), by adding

a requirement that in developing and carrying out the pilot program, the Secretary shall take actions to begin the implementation of each specified goal by not later than September 30, 2017.

The House recedes with an amendment that would merge the two provisions and prohibit the obligation or expenditure of 5 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters of Air Force Space Command until the Secretary of Defense submits a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability.

The conferees agree that the pilot program and pathfinders are separate but complementary efforts. The conferees direct the Secretary of Defense to provide a briefing to the Congressional Defense committees by December 1, 2016 on the status of the pilot program and pathfinder activities, including an implementation timeline and an identification of any implementation challenges and options to address them.

*Space-based environmental monitoring (sec. 1607)*

The House amendment contained a provision (sec. 1605) that would direct the Secretary of Defense and the Director of the National Oceanic and Atmospheric Administration (NOAA) to establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and NOAA with regards to carrying out space-based environmental monitoring and planning for future non-governmental space-based environmental monitoring capabilities.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

The conferees note that this is not an authorization for a joint satellite program of the Department of Defense and NOAA.

*Prohibition on use of certain non-allied positioning, navigation, and timing systems (sec. 1608)*

The House amendment contained a provision (sec. 1606) that would require that, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall ensure that the Armed Forces and each element of the Department of Defense do not use a non-allied positioning, navigation, and timing system or a service provided by such a system. This requirement would sunset on September 30, 2018.

The provision would also provide that the Secretary of Defense may waive the prohibition if the Secretary determines it is in the national security interest of the United States and is necessary to mitigate exigent operational concerns, and notifies the appropriate congressional committees in writing and a period of 30 days has elapsed from the date of such notification.

The provision would further require the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to submit to the congressional defense committees and the congressional intelligence committees not later than 120 days after the date of the enactment of this Act an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation of availability of funds for the Joint Space Operations Center Mission System (sec. 1609)*

The House amendment contained a provision (sec. 1607) that would limit 75 percent of

the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System program, until the Secretary of the Air Force, in coordination with the Commander of the U.S. Strategic Command, submits to the congressional defense committees a report on such increment.

The Senate bill contained a similar provision (sec. 1609) that would limit the use of funds for increment 3 of the Joint Space Operations Center Mission System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for battle management, communication, and control.

The Senate recedes with an amendment that would combine the conditions of both provisions into one reporting requirement.

The conferees do not expect to restrict the study activities to develop the plan for the JMS increment 3 space battle management, communications, and control.

*Limitation on availability of funds for the Global Positioning System Next Generation Operational Control System (sec. 1610)*

The Senate bill contained a provision (sec. 1610) that would restrict the obligation or expenditure of amounts authorized to be appropriated for fiscal year 2017 and available for the current product development contract for the Global Positioning System Next Generation Operational Control System (GPS-OCX) until the Secretary of Defense submits to Congress the certification required under section 2433a(c)(2), title 10, United States Code, commonly referred to as a Nunn-McCurdy certification.

The House amendment contained no similar provision.

The House recedes with an amendment that would impose spending limitations subject to certain certifications and briefings to Congress.

*Availability of funds for certain secure voice conferencing capabilities (sec. 1611)*

The Senate bill contained a provision (sec. 1612) that would authorize up to \$10.2 million in Air Force research, development, test, and evaluation funds from fiscal year 2015 or 2016 for the Presidential and National Voice Conferencing Program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

The conferees direct the Co-Chairmen of the Council on Oversight of the National Leadership Command, Control, and Communications System to provide a report to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, on the requirements and gaps, if any, for manpower to operate and sustain and to modernize the national leadership communications system. Such report shall detail the requirements and gaps, if any, by each agency comprising the national leadership communications system; the plan to close those gaps including through the use of existing hiring and retention authorities; the related estimated costs of such plan; the requirements and gaps broken down by job activity and geographic region. The report required should explicitly detail any recommendations or requirements for new hiring and retention authorities that may be required to assist the Department in closing any gaps identified by the Council. The co-chairmen of the Council shall provide a

briefing to the congressional defense committees on their preliminary findings and recommendations not later than 90 days after the date of the enactment of this Act.

*Space-based infrared system and advanced extremely high frequency program (sec. 1612)*

The House amendment contained a provision (sec. 1608) that would restrict the Secretary of Defense from developing or acquiring an alternative to the space-based infrared system program of record, as well as developing or acquiring an alternative to the advanced extremely high frequency program of record, until the Commander of U.S. Strategic Command and the Director of the Space Security and Defense Program, in coordination with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit an assessment to the appropriate congressional committees of the resilience and mission assurance of each alternative considered for the respective programs.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Pilot program on commercial weather data (sec. 1613)*

The House amendment contained a provision (sec. 1610) that would direct the Secretary of Defense to establish a pilot program to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Plans on transfer of acquisition and funding authority of certain weather missions to National Reconnaissance Office (sec. 1614)*

The House amendment contained a provision (sec. 1609) that would limit 50 percent of the funding for the weather satellite follow-on program until the Secretary of the Air Force submits to the appropriate committees a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for certain space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office (NRO), including a description of the amount of funds that would be necessary to be transferred from the Air Force to the NRO during fiscal years 2018 through 2022 to carry out such plan.

The provision would direct the Director of the NRO to develop a plan to carry out certain space-based environmental monitoring missions. The provision would also require the Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of the Cost Assessment and Program Evaluation of the Office of the Secretary of Defense, to certify the funding identified by the Secretary of the Air Force and the Director of the NRO is sufficient.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary of the Air Force and the Director of the NRO to waive the limitation and requirement for a plan if the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly certify that the Secretary of the Air Force is carrying out a formal acquisition program that has received milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense.

*Five-year plan for Joint Interagency Combined Space Operations Center (sec. 1615)*

The Senate bill contained a provision (sec. 1604) that would require the Secretary of Defense to submit a 5-year plan for the Joint Interagency Combined Space Operations Center.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to coordinate the required plan with the Director of National Intelligence. The amendment would also require that the plan be provided to the appropriate congressional committees within 90 days and that it include a description of the command and control of the related operations of the Joint Interagency Combined Space Operations Center.

*Organization and management of national security space activities of the Department of Defense (sec. 1616)*

The House amendment contained a provision (sec. 1611) that would state findings and the sense of Congress on the organization and management of the national security space activities of the Department of Defense. The provision would also direct the Secretary of Defense and the Director of the Office of Management and Budget to each separately submit a report to the appropriate committees not later than 180 days after the date of the enactment of this Act on the recommendations to strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the reports required address the findings covered in the report of the Comptroller General of the United States numbered GAO-16-592R regarding space acquisition and oversight of the Department of Defense.

*Review of charter of Operationally Responsive Space Program Office (sec. 1617)*

The House amendment contained a provision (sec. 1612) that would direct the Secretary of Defense to conduct a review of the Operationally Responsive Space Program Office and submit a report to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

The Senate bill contained no similar provision.

The Senate recedes.

*Backup and complementary positioning, navigation, and timing capabilities of Global Positioning System (sec. 1618)*

The House amendment contained a provision (sec. 1613) that would direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing (PNT) capabilities of the Global Positioning System for national security and critical infrastructure. The provision would also direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to submit a report to the appropriate congressional committees not later than 1 year after the date of the enactment of this Act on the study.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand upon the analysis of alternative requirements.

The conferees assert that each Department should only fund activities which meet their own respective requirements.

*Report on use of spacecraft assets of the space-based infrared system wide-field-of-view program (sec. 1619)*

The House amendment contained a provision (sec. 1614) that would direct the Secretary of Defense, in coordination with the Director of National Intelligence, to submit a report on the feasibility of using available spacecraft assets of the space-based infrared system wide-field-of-view program to satisfy other mission requirements of the Department of Defense or the intelligence community.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Provision of certain information to Government Accountability Office by National Reconnaissance Office (sec. 1620)*

The Senate bill contained a provision (sec. 1606) that would require the Comptroller General of the United States to conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office (NRO) for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that receive funding from the Military Intelligence Program or is supported by personnel of the Department of Defense. The provision would also direct the director of the NRO to provide the Comptroller General access, in a timely manner, to the information the Comptroller General requires to conduct the assessment.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Director of the NRO provide access to the Comptroller General of the United States, in a timely manner, to the cost, schedule, and performance information the Comptroller General requires to conduct assessments, as required by any of the appropriate congressional committees, of programs of the NRO.

The conferees note that the committees of jurisdiction recognize the unique security requirements associated with classified and compartmented programs and activities. Access by the Comptroller General to such programs of the NRO will be carefully reviewed, similar to the manner of such access to such programs of the Department of Defense. Such access will be considered by the committees on a case-by-case basis.

*Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors (sec. 1621)*

The Senate bill contained a provision (sec. 1607) that would require the Comptroller General of the United States to conduct an analysis of the cost and benefits of allowing the use of excess ballistic missile solid rocket motors for commercial space launch purposes. The analysis would include an evaluation of the effect of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Comptroller General to provide an interim briefing on March 17, 2017 and a final briefing not later than 180 days after the date of enactment of this Act.

*Independent assessment of Global Positioning System Next Generation Operational Control System (sec. 1622)*

The Senate bill contained a provision (sec. 1605) that would require the Secretary of De-

fense to enter into an agreement with a federally funded research and development center to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, not later than 60 days after the date of the enactment of this act, to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity to review the acquisition strategy for the Next Generation Operational Control System for the Global Positioning System. The amendment would also add a requirement that the independent assessment evaluate the ability of alternative systems to satisfy the requirements of the Department of Defense.

*Subtitle B—Defense Intelligence and Intelligence-Related Activities*

*Report on United States Central Command Intelligence Fusion Center (sec. 1631)*

The House amendment contained a provision (sec. 1622) that would limit funding until the Commander of the United States Central Command submits to the appropriate committees reports on the steps taken by the Commander to formalize and disseminate procedures for the Intelligence Fusion Center of the United States Central Command and on the steps taken by the Commander to address the findings of the final report of the Inspector General of the Department of Defense (IG).

The Senate bill contained no similar provision.

The Senate recedes with an amendment to remove the funding limitations and the requirement to provide a report on the findings of the final report of the Inspector General of the Department of Defense.

The conferees urge the Inspector General of the Department of Defense to finalize its investigation into the Directorate for Intelligence at United States Central Command and, if related allegations are substantiated, provide recommendations on any corrective measures that should be undertaken. The conferees also direct the Secretary of Defense to provide the appropriate congressional committees a briefing on the Department's views of the final IG report within 60 days of the report's completion.

*Prohibition on availability of funds for certain relocation activities for NATO Intelligence Fusion Cell (sec. 1632)*

The House amendment contained a provision (sec. 1623) that would limit 15 percent of the increase in spending for manpower for the Joint Intelligence Analysis Complex until the Secretary of Defense provides a revised analysis of alternatives to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives for the basing of a new complex. The new analysis should be based on operational requirements and costs and informed by the findings of the report of the Comptroller General of the United States on the Joint Intelligence Analysis Complex cost estimating and basing decision process.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance to be obligated or expended for the procurement of certain supplies and equipment for the relocation of the NATO Intelligence Fusion Cell (NIFC) to Royal Air Force Base Croughton, United Kingdom, and would also require the Secretary of Defense

in coordination with the Director of National Intelligence to submit a report on the requirements and costs associated with such a relocation.

*Survey and review of Defense Intelligence Enterprise (sec. 1633)*

The Senate bill contained a provision (sec. 1671) that would require the Chairman of the Joint Chiefs of Staff to conduct a review of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise to meet present and future defense intelligence requirements and to report to appropriate congressional committees.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle C—Cyberspace-Related Matters

*Special emergency procurement authority to facilitate the defense against or recovery from a cyber attack (sec. 1641)*

The House amendment contained a provision (sec. 1631) that would modify the current special procurement authority in section 1903(a)(2) of title 41, United States Code, to include use of such authority for recovery from or defense against cyber attacks.

The Senate bill contained a similar provision (sec. 829C) to provide special emergency procurement authority in title 10, United States Code.

The Senate recedes.

*Limitation on termination of dual-hat arrangement for Command of the United States Cyber Command (sec. 1642)*

The Senate bill contained a provision (sec. 1633) that would express the sense of Congress that the arrangement (commonly referred to as a “dual-hat arrangement”) under which the Commander of the United States Cyber Command (CYBERCOM) also serves as the Director of the National Security Agency is in the national security interests of the United States. The provision would also prohibit the Secretary of Defense from taking action to end the “dual-hat arrangement” until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that ending that arrangement will not pose unacceptable risks to the military effectiveness of CYBERCOM. The provision would also require the establishment of conditions-based criteria for assessing the need to sustain the “dual-hat arrangement.”

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

*Cyber mission forces matters (sec. 1643)*

The Senate bill contained a provision (sec. 1632) that would provide interim authorities to the Secretary of Defense to enhance the Department’s ability to hire and retain civilian personnel with the high-level of skill and aptitude necessary to provide critical technical support to the Cyber Mission Teams that are now nearing full operational capability. The provision also would direct the Principal Cyber Advisor to (1) supervise the development of training standards and capacity to train civilian cyber personnel to develop tools and weapons for the Cyber Mission Forces and (2) ensure that sufficient priority exists for the timely completion of security clearance investigations and adjudications for such personnel.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Requirement to enter into agreements relating to use of cyber opposition forces (sec. 1644)*

The House amendment contained a provision (sec. 1633) that would require the Secretary of Defense to enter into agreements with each combatant command relating to the use of cyber opposition forces by September 30, 2017. This section would also require the development of a joint certification and training standard for cyber opposition forces by March 31, 2017.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include an additional requirement for the Secretary of Defense to issue a joint training and certification standard by June 30, 2017 for the protection of control systems for use by all cyber operations forces within the Department of Defense.

*Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack (sec. 1645)*

The Senate bill contained a provision (sec. 1631) that would authorize the Secretary of Defense to provide cyber protection support to personnel who are determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that the providing of cyber protection support is at the discretion of the Secretary of Defense and that nothing in the provision should be construed to encourage personnel of the Department of Defense to use personal technology devices for official business or to authorize cyber protection team support for senior Department personnel using personal devices and networks in an official capacity.

*Limitation on full deployment of joint regional security stacks (sec. 1646)*

The House amendment contained a provision (sec. 1634) that would limit the amount of authorized funds available to be obligated or expended in fiscal year 2017 for cryptographic systems and key management infrastructure until the Secretary of Defense, in coordination with the Director of the National Security Agency, provides a report on the integration of the cryptographic modernization and key management infrastructure programs of the military departments, including a description of how the military departments have implemented stronger leadership, increased integration, and reduced redundancy with respect to such modernization and programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit any Department of Defense service or agency from declaring full operational capability for deployment of joint regional security stacks until such time as the service or agency has completed operational test and evaluation activities to determine the effectiveness, suitability, and survivability of the system. The provision would allow this requirement to be waived under certain circumstances.

The conferees direct the Department of Defense to provide a briefing to the Armed Services Committee of the Senate and House of Representatives, as well as the House Permanent Select Committee on Intelligence, no later than 60 days after the enactment of this Act, on the progress and activities of the Communications Security Review and Advisory Board. The conferees recognize the importance of cryptographic modernization and key management programs with the Department in providing critical encryption

and communications security capabilities for the Department, and remain focused on ensuring such activities are coordinated and managed across the military services and Defense Agencies in a reasonable manner. The conferees encourage the Department to strengthen mechanisms like the Communications Security Review and Advisory Board in order to maintain oversight across the Department and deliver those capabilities in a timely and cost effective manner.

*Advisory committee on industrial security and industrial base policy (sec. 1647)*

The House amendment contained a provision (sec. 1637) that would require the Secretary of Defense to: (1) assess the sufficiency of the Department of Defense’s regulatory mechanisms for secure defense information held by cleared defense contractors to determine whether there are any gaps that may undermine the protection of such information; and (2) prescribe regulations to improve security of such information.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish an advisory committee to review, assess, and make recommendations with respect to industrial security and industrial base policy. The committee should meet at least annually until its termination on September 30, 2022.

*Change in name of National Defense University’s Information Resources Management College to College of Information and Cyberspace (sec. 1648)*

The House amendment contained a provision (sec. 1632) that would modify section 2165 of title 10, United States Code, to change the name of the Information Resources Management College to the College of Information and Cyberspace.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Evaluation of cyber vulnerabilities of F-35 aircraft and support systems (sec. 1649)*

The Senate bill contained a provision (sec. 1635) that would modify a provision from the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), requiring the Secretary of Defense to evaluate the cyber vulnerabilities of every major Department of Defense weapons system by not later than December 31, 2019. The provision would do so by requiring that a complete evaluation of the F-35 aircraft and its support systems, such as the Autonomic Logistics Information System, be completed before February 1, 2017. The provision would require the Secretary of Defense to submit a report on the F-35 cyber vulnerability evaluation to the congressional defense committees no later than February 28, 2017. The provision would also allow for funding to be used for the development of tools that improve cyber vulnerability assessments, non-recurring engineering for the design of mitigation solutions, and Department-wide information repositories to share assessment findings and mitigation solutions.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the evaluation of cyber vulnerabilities of the F-35 and support systems not later than 120 days after the date of enactment of this act. The amendment would also require the report on the evaluation completed to be submitted to the congressional defense committees not later than 180 days after the date of enactment.

*Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure (sec. 1650)*

The Senate bill contained a provision (sec. 1637) that would require the Secretary of Defense to evaluate the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

The Senate bill also contained a provision (sec. 1634) that would authorize the Secretary of Defense to carry out a Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats.

The House amendment contained no similar provision.

The House recedes with an amendment that would combine the two Senate provisions.

*Strategy to incorporate Army reserve component cyber protection teams into Department of Defense cyber mission force (sec. 1651)*

The House amendment contained a provision (sec. 1639) that would require the Secretary of the Army to provide a briefing on a strategy for incorporating Army National Guard protection teams into the cyber mission force of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the scope of the strategy to include both the Army National Guard and the other reserve components of the Army.

*Strategic plan for the Defense Information Systems Agency (sec. 1652)*

The Senate bill contained a provision (sec. 1636) that would require the Director of the Defense Information Systems Agency (DISA) to develop a technology strategy.

The House amendment contained no similar provision.

The House recedes with an amendment that requires the Director of DISA to develop strategic plan that reviews the requirements and missions of the agency, and assesses the adequacy of the technology strategy, workforce, and facilities to meet those requirements.

The conferees note that the Secretary of Defense is making efforts to increase the department's use of and exposure to innovative commercial information technologies and increase outreach to innovative small businesses in locations including Silicon Valley. Many of the technologies and systems of interest are within the mission area of DISA.

However, the conferees note with acute concern that at the same time this trend is occurring to seek out and exploit new commercial innovation, DISA appears to be reducing its support for research and technology innovation, and has limited connectivity and coordination with other science and technology activities of the Department of Defense. The conferees believe that for a technology organization to eliminate its funding for flexible exploration of new technology is short-sighted and detrimental to the long term health of the organization. The conferees are concerned that DISA has not adequately linked its research and technology needs in a way to support the overall missions of the Agency, which has repercussions on the workforce it is able to attract, and the quality of support it is able to provide the warfighter. To use one example, the conferees believe that such behavior has impacted the ability of the Agency to fully realize the benefits, as well as the operational challenges and potentialities of emerging technologies like cloud and mobile computing, cyber defense and big data analytics. That impacts interactions with industry, but the conferees also believe that DISA

has not adequately leveraged potential relationships with DOD labs and other innovative research activities. The conferees believe that through the process of developing a regular strategic plan, the Director of DISA should be taking the opportunity to develop closer coordination with appropriate research and development organizations in the Office of the Secretary of Defense and the Military Services to improve DISA's innovative capacity, strengthen its R&D programs, and improve DOD's ability to adopt the best commercial and other information technologies to support defense missions.

*Plan for information security continuous monitoring capability and comply-to-connect policy; limitation on software licensing (sec. 1653)*

The Senate bill contained a provision (sec. 1638) that would require the Chief Information Officer of the Department of Defense and the Commander of United States Cyber Command, in coordination with the Principal Cyber Adviser, to jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring capability and a comply-to-connect policy.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Reports on deterrence of adversaries in cyberspace (sec. 1654)*

The Senate bill contained a provision (sec. 1639) that would require the Secretary of Defense to submit a report to the congressional defense committees specifying in detail the authorities that have been delegated by the President to the Secretary for conducting cyber operations. The report would require the Secretary to detail the standing authorities and limitations that authorize or limit the Secretary in conducting cyber operations and how those authorities compare to the authorities delegated to the Secretary for activities in non-cyber domains.

The Senate bill also contained a provision (sec. 1640) that would require the Chairman of the Joint Chiefs of Staff to submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace. The provision would require the report to include an assessment of the effectiveness of the deterrence options available. It also would require the Chairman provide an integrated priorities list of cyber deterrence capabilities of the Department of Defense that identify, at a minimum, high priority capability needs prioritized across armed forces and functional lines, risk areas, and long-term strategic planning issues. The provision would also require within 60 days of receiving the report from the Chairman of the Joint Chiefs of Staff, that the President submit to the congressional defense committees a separate report identifying when an action carried out in cyberspace constitutes an act of war against the United States. The report would include (1) identification of what actions carried out in cyberspace constitute an act of war against the United States; (2) identification of how the law of war applies to the cyber operations of the Department of Defense; (3) identification of the circumstances required for responding to a cyber attack against the United States; and (4) a declaratory policy on the use of cyber weapons by the United States.

The House amendment contained a related provision (sec. 1636) that would require the Secretary of Defense submit a report to the congressional defense committees on the policies, doctrine, procedures, and authorities governing Department of Defense activi-

ties in response to malicious cyber activities carried out against the United States or United States persons by foreign states or non-state actors.

The House recedes with an amendment that would combine the three related provisions.

The conferees note that in preparing the report required by the provision the President shall consider (1) what severity of cyber attack would elicit a military response; (2) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional kinetic weapons, including with respect to physical destruction or casualties; (3) intangible effects of significant scope, intensity, or duration; and (4) how the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

*Sense of Congress on cyber resiliency of the networks and communications systems of the National Guard (sec. 1655)*

The House amendment contained a provision (sec. 1638) that would assert the sense of Congress concerning cyber resiliency of the networks and communications systems of the National Guard.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that encourages the National Guard to budget within National Guard resources.

#### Subtitle D—Nuclear Forces

*Improvements to Council on Oversight of National Leadership Command, Control, and Communications System (sec. 1661)*

The Senate bill contained a provision (sec. 1652) that would modify an existing report and add an assessment of the readiness of the command, control, and communications system for the national leadership of the United States.

The House amendment contained a similar provision (sec. 1641) that would require a report on space architecture development and limits funding to make changes to the command, control, and communications system in a manner that reduces warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States.

The conference agreement includes both the House and Senate provisions.

The General Accountability Office (GAO) in its report titled Nuclear Command, Control, and Communications: DOD Has Taken Steps to Address Sustainment and Maintenance Challenges for Critical Satellite Systems but Could Better Identify Risks and Mitigation Actions, GAO-16-370C (May 26, 2016). In that report the GAO highlighted a number of concerns regarding critical satellite systems used for nuclear command, control, and communications and recommended the Department of Defense take action to improve the identification of risks and mitigation actions. DOD, in its official response to GAO's report, disagreed with GAO's recommendation. The department stated that it understood the concerns that GAO raised in respect to risks to these systems, but stated that DOD has a strong governance and oversight structure. The department asserted that it believes the actions taken to date address risk at an acceptable level with the transition of these satellite systems to their replacement systems.

Given the concerns raised by the GAO in its report, the conferees direct the Council on Oversight of the National Leadership

Command, Control, and Communications System to provide a written assessment to the congressional defense committees that details (1) the actions the department has taken to identify the risks associated with the transition of these critical satellite systems, (2) information about the department's evaluation of the acceptability of each of the identified risks, and (3) information regarding actions the department has identified to mitigate these risks. The committee directs the Council to provide its written assessment to the congressional defense committees no later than February 28, 2017.

*Treatment of certain sensitive information by State and local governments (sec. 1662)*

The Senate bill contained a provision (sec. 1055) that would authorize the Secretary of Defense to designate information as being Department of Defense critical infrastructure security information to ensure that such information is not disseminated without authorization.

The House amendment contained a similar provision (sec. 1642).

House recedes with technical and conforming amendments.

*Procurement authority for certain parts of intercontinental ballistic missile fuzes (sec. 1663)*

The Senate bill contained a provision (sec. 1651) that would give the Department of Defense the authority to buy intercontinental ballistic missile fuze parts.

The House amendment contained an identical provision (sec. 1643).

The conference agreement includes this provision.

*Prohibition on availability of funds for mobile variant of ground-based strategic deterrent missile (sec. 1664)*

The House amendment contained a provision (sec. 1644) that would prohibit funds authorized to be appropriated to retain the option for, or develop, a mobile variant of the ground-based strategic deterrent missile.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for extension of New START Treaty (sec. 1665)*

The House amendment contained a provision (sec. 1645) that would limit authorized funds to be appropriated for the Department of Defense to extend the New Start Treaty under certain circumstances.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the reporting period from 180 days to 120 days following the submission of both the report required by the provision and the National Intelligence Estimate.

*Certifications regarding integrated tactical warning and attack assessment mission of the Air Force (sec. 1666)*

The House amendment contained a provision (sec. 1646) that would require the Secretary of the Air Force to consolidate under a major command, commanded by a single general officer, the responsibility, authority, accountability, and resources for carrying out the nuclear command, control, and communications functions of the Air Force by March 31, 2017. This consolidation would be required to include, at a minimum, all terrestrial and aerial components of the nuclear command and control system that are survivable and enduring, as well as all terrestrial and aerial components of the integrated tactical warning and attack assessment (ITW/AA) system that are survivable and enduring.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require that, not later than

March 31, 2017 and each year through 2020, the Commander of the U.S. Strategic Command certify to the Secretary of Defense and the congressional defense committees that the Air Force is organized, staffed, trained and equipped to carry out the portions of the ITW/AA system assigned to the Air Force that are survivable and enduring. The Commander would further be required to certify that the programs and plans of the Air Force for sustaining, modernizing, training and exercising capabilities relating to such missions are sufficient for mission success. If the Commander of the U.S. Strategic Command does not make such a certification, the Secretary of the Air Force would be required to immediately consolidate the terrestrial and aerial components of the ITW/AA system that are survivable and enduring under the Air Force Global Strike Command. The amendment also contains a rule of construction that this section may not be construed to affect any responsibilities relating to the ITW/AA system in effect on the date of enactment of this Act pursuant to certain agreements between the United States and Canada.

*Matters relating to intercontinental ballistic missiles (sec. 1667)*

The House amendment contained a provision (sec. 1649A) that would state the policy of the United States to maintain and modernize a responsive and alert intercontinental ballistic missile force and prohibit (1) funding for reducing the responsiveness or alert level of the intercontinental ballistic missiles of the United States and (2) reducing the quantity of deployed intercontinental ballistic missiles of the United States to less than 400.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop the policy statement and add an element on cost to the reporting requirement.

*Requests for forces to meet security requirements for land-based nuclear forces (sec. 1668)*

The Senate bill contained a provision (sec. 1655) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to decide if the land-based missile fields using UH-1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements.

The House amendment contained a similar provision (sec. 1649) that would require the Chairman of the Joint Chiefs of Staff to certify to the congressional defense committees that the Chairman has approved any requests for forces of a commander of a combatant command to meet the security requirements of land-based nuclear forces.

The Senate recedes with an amendment that would combine the two provisions while eliminating the certification required under the House provision. The provision includes a restriction of 25 percent on travel and representational expenses of the Under Secretary of Defense for Acquisition, Technology, and Logistics until the Under Secretary certifies that there is an acquisition process in place to ensure that a UH-1N replacement aircraft is under contract in fiscal year 2018.

*Report on Russian and Chinese political and military leadership survivability, command and control, and continuity of government programs and activities (sec. 1669)*

The House amendment contained a provision (sec. 1647) that would require the Director of National Intelligence to submit to the appropriate congressional committees, a report on the leadership survivability, command and control, and continuity of government programs and activities with respect to

the People's Republic of China and the Russian Federation.

The Senate bill contained no similar provision.

The Senate recedes.

*Review by the Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense (sec. 1670)*

The Senate bill contained a provision (sec. 1653) that would require the Comptroller General to review the Department of Defense's nuclear enterprise review process to ascertain whether recommendations are adequately being implemented.

The House amendment contained no similar provision.

The House recedes.

*Sense of Congress on nuclear deterrence (sec. 1671)*

The Senate bill contained a provision (sec. 1654) that would state the sense of Congress that the nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies. It also states that the prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary.

The House amendment contained no similar provision.

The House recedes with an amendment that would update the provision to take into account the July 2016 NATO Warsaw Summit communique.

*Sense of Congress on importance of independent nuclear deterrent of United Kingdom (sec. 1672)*

The House amendment contained a provision (sec. 1648) that would express the sense of Congress that the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States.

The Senate bill contained no similar provision.

The Senate recedes.

*Subtitle E—Missile Defense Programs  
National missile defense policy (sec. 1681)*

The Senate bill contained a provision (sec. 1665) that would remove the word "limited" from Section 2 of the National Missile Defense Act of 1999 (Public Law 106-38; 10 U.S.C. 2431 note).

The House amendment contained a similar provision (sec. 1665) that would replace the National Missile Defense Act of 1999 with new policy language to the effect that the United States should maintain and improve a robust layered missile defense system capable of defending the territory of the United States and its allies against the developing and increasingly complex ballistic missile threat.

The Senate recedes with an amendment that would add to the House provision language making it clear that the United States should deploy effective missile defense systems.

The conferees note, nothing in this legislative provision requires or directs the development of missile defenses against any country or its strategic nuclear forces.

*Extensions of prohibitions relating to missile defense information and systems (sec. 1682)*

The Senate bill contained a provision (sec. 1666) that would extend prohibitions relating to missile defense information and systems as described in section 130h(d) of title 10, United States Code, to 2018.

The House amendment contained a provision (sec. 1651) that would prohibit funds to integrate a missile defense system of the Russian Federation or a missile defense system of the People's Republic of China into any missile defense system of the United States, and which would extend this prohibition, and a prohibition on sharing certain missile defense information with Russia, to 2027.

The Senate recedes with an amendment that would extend the current prohibitions by two years to January 1, 2019.

*Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system (sec. 1683)*

The Senate bill contained a provision (sec. 1663) that would amend section 1685 of the National Defense Authorization Act for Fiscal Year 2016 by adding at the end a new subsection stating that no later than 60 days after the submittal of the report required, the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described.

The House amendment contained a similar provision (sec. 1656) that would require the Director of the Missile Defense Agency to commence the planning for concept definition, design, research, development, engineering evaluation, and test of a space-based ballistic missile intercept and defeat layer to the ballistic missile defense system, including with respect to a space test bed for a missile interceptor capability, and submit a detailed budget and development plan for these activities with the budget of the president submitted for fiscal year 2018.

The House recedes.

The conferees note that while the United States enjoys a measure of protection against ballistic missiles of all ranges, the ballistic missile threat—including to the U.S. homeland—continues to grow. The 2010 Ballistic Missile Defense Review noted, “It is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so.” The conferees agree and received testimony that the threat from ballistic missiles has continued to grow in numbers and in range and countermeasures, making missiles more complex, survivable, reliable, and accurate.

Likewise, the conferees observe that United States space assets are under increasing threat. Director of National Intelligence, James Clapper, testified before the Senate Armed Services Committee on February 9, 2016 that “Threats to our use of military, civil, and commercial space systems will increase in the next few years as Russia and China progress in developing counterspace weapon systems to deny, degrade, or disrupt U.S. space systems.” And that “Russia and China continue to pursue weapons systems capable of destroying satellites on orbit, placing U.S. satellites at greater risk in the next few years. China has probably made progress on the antisatellite missile system that it tested in July 2014.”

All of this is to suggest that the United States cannot stop exploring new and more effective means for protecting our homeland and forces against ballistic missile threats and for guarding our critical civilian and military space assets. This provision encourages the Department of Defense to examine the feasibility of defeating such threats with a new generation of missile defense capabilities based in space.

*Review of the missile defeat policy and strategy of the United States (sec. 1684)*

The Senate bill contained a provision (sec. 1664) that would require the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a review of the strategy,

programs and capabilities to counter cruise and ballistic missiles prior to launch using the full range of active, passive, kinetic, and non-kinetic defense measures.

The House amendment contained a provision (sec. 1652) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to conduct a new review of the missile defeat capability, policy, and strategy of the United States with respect to left and right of launch ballistic missile defense, for both regional and homeland missile defense, incorporating the full range of active, passive, kinetic and non-kinetic defense measures, and integrating offensive and defensive forces for the defeat of ballistic and cruise missiles.

The House amendment also contained a provision (sec. 1662) that required the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to submit to the congressional defense committees the classified and unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States and how the Secretary and Chairman intend to ensure such capability is a deterrent to attacks by adversaries.

The Senate recedes with an amendment that combines the three provisions into a single provision with technical changes to the former House provision (sec. 1652). The new provision reduces the prohibition on acquisition changes to the Missile Defense Agency to two years, rather than the indefinite period included in the original House provision.

*Maximizing Aegis Ashore capability and developing medium range discrimination radar (sec. 1685)*

The House amendment contained a provision (sec. 1654) that would require the Secretary of Defense to conduct a complete evaluation of the optimal anti-air warfare capability for each current Aegis Ashore site and as part of any future deployment by the United States of an Aegis Ashore site. The provision also required the Director of the Missile Defense Agency to notify Congress whether the preferred location for fielding a medium range ballistic missile defense radar for the defense of Hawaii would require an updated environmental impact statement. The Department would also be required to conduct an assessment of the ballistic and air threat against Hawaii and the efficacy of making the Aegis Ashore site at the Pacific Missile Range Facility operational and deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to continue the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland.

The provision also requires the Director of the Missile Defense Agency, if he determines that an updated environmental impact statement is required for fielding a medium range ballistic missile defense sensor for the defense of Hawaii, to commence such action not later than 60 days after the date of notification.

With respect to the requirement for an evaluation of the ballistic and air threat to Hawaii and the efficacy of various defensive measures, the conferees note that the Department has already submitted reports addressing the various alternatives and therefore expect the Department only to provide an update.

*Technical authority for integrated air and missile defense activities and programs (sec. 1686)*

The House amendment contained a provision (sec. 1655) that would allow the Director of the Missile Defense Agency to seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary.

The Senate bill contained no similar provision.

The Senate recedes.

*Hypersonic defense capability development (sec. 1687)*

The House amendment contained a provision (sec. 1657) that would require the Director of the Missile Defense Agency to establish a program of record in the ballistic missile defense system to develop and field a defensive system to defeat hypersonic boost-glide and maneuvering ballistic missiles. A limitation was placed on funding for certain headquarters operations in the Office of the Secretary of Defense until such a program of record is created. A report to Congress on the Missile Technology Control Regime (MTCR) was also required.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct that the Director of the Missile Defense Agency serve as the executive agent for the Department of Defense for the development of a capability to counter hypersonic boost-glide vehicle capabilities and conventional prompt global strike capabilities that may be employed against the U.S., its allies, and U.S. deployed forces, and establish a program of record for such capability not later than September 30, 2017. Reports to Congress must be provided on the architecture and sensors needed to detect hypersonic threats and on the military capabilities and capability gaps related to the threat posed by hypersonic boost-glide vehicles and maneuvering ballistic missiles. The limitation on funds and the MTCR report were removed.

*Conventional Prompt Global Strike weapons system (sec. 1688)*

The Senate bill contained a provision (sec. 1672) that would require the Secretary of Defense to make a Milestone A decision for Conventional Prompt Global Strike no later than September 30, 2020, or 8 months after the successful completion of the Intermediate Range Flight 2 test.

The House amendment contained a similar provision (sec. 1659) that would make no more than 75 percent of funds be obligated or expended for research, development, test, and evaluation, for the conventional prompt global strike until the Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report on warfighter requirements and whether the program schedule supports such requirements.

The Senate recedes with an amendment that would combine the two provisions, merging the Senate provision into the House amendment.

*Required testing by Missile Defense Agency of ground-based midcourse defense element of ballistic missile defense system (sec. 1689)*

The Senate bill contained a provision (sec. 1661) that would require the Director of the Missile Defense Agency to administer a flight test of the ground-based mid-course defense element of the ballistic missile defense system not less frequently than once each fiscal year and allows certain exceptions.

The House amendment contained no similar provision.

The House recesses with a clarifying amendment.

*Iron Dome short-range rocket defense system and Israeli cooperative missile defense program codevelopment and coproduction (sec. 1690)*

The Senate bill contained a provision (sec. 1662) that would authorize not more than \$42.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through co-production of such interceptors in the United States, including certain conditions.

The House amendment contained a similar provision (sec. 1653) that would authorize not more than \$62.0 million for the Missile Defense Agency to provide to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States, including certain conditions. The House provision would also authorize not more than \$150.0 million to procure the David's Sling weapon system and not more than \$120.0 million for the Arrow 3 Upper Tier interceptor program, including for coproduction of parts and components in the United States, subject to certain certifications.

The House recesses with an amendment that would combine the two provisions with certain technical corrections and clarifications. The certification concerning the requirement for a bilateral international agreement required by the provision may be waived if the Under Secretary certifies that the funds specified for the David's Sling weapon system and for the Arrow 3 Upper Tier interceptor program are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan and funding profile detailing Israeli contributions and if the long-lead procurement will be conducted in a manner that does not incur nonrecurring engineering activity or additional cost to United States suppliers. The agreement authorizes \$62.0 million to procure Tamir interceptors, the amount prescribed in the House amendment.

*Limitations on availability of funds for lower-tier air and missile defense capability of the Army (sec. 1691)*

The House amendment contained a provision that would limit the obligation or expenditure of fifty percent of the amount authorized to be appropriated in fiscal year 2017 for the Patriot Lower Tier Air and Missile Defense (LTAMDS) capability of the Army until certain conditions are met.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would reduce the limitation to twenty-five percent of the funds authorized to be appropriated for LTAMDS Research, Development, Test and Evaluation (RDT&E). The amendment would also amend the conditions the Department of Defense would need to meet to lift the limitation on funds.

The conferees note that the amended provision would not require either a Capabilities Development Document in 2017 or Low Rate Initial Production earlier than 2021, nor is it the conferees intent to mandate such actions.

The conferees agree on the vital importance of the expeditious fielding of a lower tier air and missile defense capability that meets the needs of our warfighters and seamlessly integrates with the nation's other deployed, or planned to be deployed, air and missile defense capabilities.

The conferees also note the Government Accountability Office's (GAO) recent report

on the Army's strategy for modernizing the Patriot missile defense system found that throughput limitations under the Army's current maintenance schedule present an elevated risk of equipment failure. The conferees are concerned that potential delays in modernizing Patriot systems, components, and software will amplify these risks as units continue to train, deploy, and operate legacy Patriot equipment at a high tempo over an extended period.

Therefore, the conferees direct GAO to assess the Army's Patriot maintenance and recapitalization plans to ensure that operational needs are met. As part of its assessment, the conferees direct the GAO to review whether Patriot units are undergoing sufficient maintenance in between deployments, and the extent to which the Army has identified and assessed options for increasing its maintenance throughput, including associated costs and impacts on Patriot training and operations. The GAO also should assess whether and how the Army plans to mitigate the risk of equipment failure should Patriot modernization efforts be delayed. The GAO shall complete its review and report to congressional defense committees at an agreed upon date.

*Pilot program on loss of unclassified, controlled technical information (sec. 1692)*

The House amendment contained a provision (sec. 1660) that would require the Director of the Missile Defense Agency to carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency, particularly with respect to unclassified, controlled technical information and controlled unclassified information.

The Senate bill contained no similar provision.

The Senate recesses.

*Plan for procurement of medium-range discrimination radar to improve homeland missile defense (sec. 1693)*

The House amendment contained a provision (sec. 1663) that would require the Director of the Missile Defense Agency to plan to procure a medium range discrimination radar or equivalent sensor to improve homeland missile defense of Hawaii, and to issue a request for proposals for the medium-range discrimination radar no later than October 1, 2017.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would clarify that the Missile Defense Agency shall develop a plan to procure a medium-range discrimination radar or equivalent sensor to improve homeland missile defense for Hawaii and to field such radar or equivalent sensor by not later than December 31, 2021, and that the Director shall submit the plan to the congressional defense committees not later than 60 days after enactment.

*Review of Missile Defense Agency budget submissions for ground-based midcourse defense and evaluation of alternative ground-based interceptor deployments (sec. 1694)*

The House amendment contained a provision (sec. 1661) that would require the Director of Cost Assessment and Program Evaluation to submit to the congressional defense committees a report on the modernization requirements for the ground-based midcourse defense system. The provision would also require the Commander of United States Northern Command to certify the level of funding for the ground-based midcourse defense system, and an evaluation of transportable ground-based interceptors by the Director of the Missile Defense Agency.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would strike the certification required by the Commander of United States Northern Command, and make it clear that the industrial base requirements required by the report be those requirements generally understood by the Missile Defense Agency.

*Semiannual notifications on missile defense tests and costs (sec. 1695)*

The House amendment contained a provision (sec. 1664) that would require the Director of the Missile Defense Agency to submit to the congressional defense committees a notification on certain matters related to each planned flight test, including intercept tests.

The Senate bill contained no similar provision.

The Senate recesses.

*Reports on unfunded priorities of the Missile Defense Agency (sec. 1696)*

The House amendment contained a provision (sec. 1067) that would require the inclusion of ballistic missile defense information in the annual reports on requirements of the combatant commanders and the prioritized capabilities list for ballistic missile defense developed by the commander of the United States Strategic Command.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would modify the House provision with a requirement that not later than 10 days after the budget of the President for fiscal years 2018 and 2019 are submitted to Congress, the Director of the Missile Defense Agency shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the unfunded priorities of the Missile Defense Agency.

Subtitle F—Other Matters

*Protection of certain facilities and assets from unmanned aircraft (sec. 1697)*

The House amendment contained a provision (sec. 1671) that would authorize the Secretary of Defense, and allow the Secretary to authorize the armed forces, to take actions that are necessary to mitigate the threat of an unmanned aircraft system or unmanned aircraft that poses an imminent threat to the safety or security of a covered facility or asset that is: (1) identified by the Secretary; (2) located in the United States; and (3) related to the nuclear deterrence mission of the Department of Defense (including nuclear command and control, integrated tactical warning and attack assessment, and continuity of government), the missile defense mission of the Department; or the national security space mission of the Department.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would authorize the Secretary, notwithstanding title 18 of the United States Code, to take actions that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. The amendment would also clarify the actions that would be authorized.

*Harmful interference to Department of Defense Global Positioning System (sec. 1698)*

The House amendment contained a provision (sec. 1673) that would amend the Federal Communications Commission (FCC) conditions on commercial terrestrial operations (47 U.S.C. 301 et seq.) by adding that the FCC shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or

the 1626.5–1660.5 megahertz band until 90 days after the FCC resolves concerns of widespread harmful interference by such operations in such band to Department of Defense Global Positioning System (GPS) devices. The provision would also require the Secretary of Defense to conduct a review of harmful interference of Department of Defense GPS devices and to notify congress if the Secretary determines the existence of widespread harmful interference.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Availability of certain amounts to meet requirements in connection with United States policy on assured access to space*

The Senate bill contained a provision (sec. 1611) that would allow for up to half of the funds made available for a replacement space launch propulsion system or new launch vehicle in fiscal years 2016, 2017, or any future fiscal year, be made available for meeting the requirements in connection with United States policy on assured access to space (section 2273(b), title 10, United States Code).

The House amendment contained no similar provision.

The Senate recedes.

*Department of Defense-wide requirements for security clearances for military intelligence officers*

The Senate bill contained a provision (sec. 1621) that would require the Secretary of Defense to ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note with displeasure the recent situation in which an officer serving as the Deputy Chief of Naval Operations for Information Warfare, N2/N6, Office of the Chief of Naval Operations, and Director of Naval Intelligence, was unable to fully perform the duties of the office to which he was appointed, with the advice and consent of the Senate, because his access to classified information was suspended. The conferees expect that in the future every officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity will have an active security clearance.

*Limitation on availability of funds for intelligence management*

The House amendment contained a provision (sec. 1621) that would limit the amount of authorized funds available to be obligated or expended for intelligence management until the Under Secretary of Defense for Intelligence provides a report to the appropriate congressional committees on counterintelligence activities described in the classified annex accompanying this Act.

The Senate bill contained no similar provision.

The House recedes.

*Sense of Congress on initial operating capability of phase 2 of European Phased Adaptive Approach to missile defense*

The House amendment contained a provision (sec. 1666) that would express the Sense of Congress that the United States is committed to the defense of deployed members of the Armed Forces of the United States and to the defense of the European allies of the United States by increasing the ballistic missile defense capability of the North Atlantic Treaty Organization.

The Senate bill contained no similar provision.

The conferees note that on July 9, 2016, the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw, Poland, issued the “Warsaw Summit Communique.” In that document, the Heads of State and Government stated that:

“At our Summit in Chicago in 2012, we declared the achievement of an Interim NATO BMD Capability as an operationally significant first step. At the Wales Summit, we welcomed the forward deployment of BMD-capable Aegis ships to Rota, Spain that could be made available to NATO. Today a new milestone in the development of NATO BMD has been reached and we are pleased to declare the achievement of the NATO BMD Initial Operational Capability. This is a significant step toward the aim of NATO BMD that offers a stronger capability to defend our populations, territory, and forces across southern NATO Europe against a potential ballistic missile attack. The Aegis Ashore site in Deveselu, Romania represents a significant portion of this increase in capability, and the command and control (C2) of the Aegis Ashore site is being transferred to NATO. We also welcome that Turkey hosts a forward-based early-warning BMD radar at Kürecik and that Poland will be hosting an Aegis Ashore site at the Redzikowo military base. We are also pleased that additional voluntary national contributions have been offered by Allies, and we encourage further voluntary contributions, all of which will add robustness to the capability.”

The Communique further stated that, “NATO missile defence is not directed against Russia and will not undermine Russia’s strategic deterrence capabilities. NATO missile defence is intended to defend against potential threats emanating from outside the Euro-Atlantic area.”

The House recedes.

*Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cyber-security threats*

The Senate bill contained a provision (sec. 1634) that would authorize the Secretary of Defense, in coordination with the secretaries of the military departments, to carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to military installation operating technologies, including industrial control systems, to increase resilience against cybersecurity threats.

The House amendment contained no similar provision.

The Senate recedes.

The conferees note that elsewhere in the conference agreement there is a requirement for the Secretary of Defense to conduct a pilot program to assess the feasibility and advisability of applying, innovative methodologies or engineering approaches to improve the defense of control systems against cyber attacks in order to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks, and to inform future requirements development for such systems.

#### TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

*Guam World War II Loyalty Recognition Act (secs. 1701–1707)*

The House amendment contained a number of provisions (sec. 7301–7306) that would honor the suffering and loyalty of the residents of Guam during its occupation by Imperial Japanese forces during the Second World War and direct the federal government to adjudicate and facilitate the claims of compensable Guam victims and survivors of compensable Guam decedents.

Specifically, the House amendment contained a provision (sec. 7302) that would express the eternal gratitude of the United States to the residents of Guam for their loyalty and courage under threat of death and great bodily harm at the hands of occupying forces. It also contained a provision that would direct the Secretary of the Treasury to establish a special fund for the payment of claims to compensable Guam victims and their survivors (sec. 7303), a provision that would require the Secretary of the Treasury to compensate compensable victims and survivors of compensable Guam decedents following certification from the Foreign Claims Settlement Commission (sec. 7304), and a provision that would direct the Foreign Claims Settlement Commission to adjudicate claims and to determine eligibility for claims under the aforementioned section 7304 (sec. 7305). Finally, it contained a provision that would direct the Secretary of the Interior to establish a grant program designed to educate and to memorialize the occupation of Guam while honoring the loyalty of its inhabitants (sec. 7306) and a provision that would authorize appropriations for the aforementioned sections 7304 and 7305 for any fiscal year beginning after the date of the enactment, with \$5,000,000 authorized per fiscal year for section 7306 (sec. 7307).

The Senate bill contained no similar provisions.

The Senate recedes.

#### TITLE XVIII—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT

##### Subtitle A—Improving Transparency and Clarity for Small Businesses

*Plain language rewrite of requirements for small business procurements (sec. 1801)*

The House amendment contained a provision (sec. 1801) that would amend section 15(a) of the Small Business Act (15 U.S.C. 644(a)) to revise existing statute by better organizing the section and modernizing the terms consistent with those in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.

The Senate recedes.

*Transparency in small business goals (sec. 1802)*

The House amendment contained a provision (sec. 1803) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Administrator of the General Services Administration to issue an annual report on the share of total contract value awarded to small businesses.

The Senate bill contained no similar provision.

The Senate recedes.

##### Subtitle B—Clarifying the Roles of Small Business Advocates

*Scope of review by procurement center representatives (sec. 1811)*

The Senate bill contained a provision (sec. 884) that would codify for Department of Defense contracts the longstanding exemption contained in Federal Acquisition Regulation 19.000(b) that small business set-asides are not applied to overseas contracts.

The House amendment contained a similar provision (sec. 1811) that would amend section 15(l) of the Small Business Act (15 U.S.C. 644(l)) to reverse a regulatory change made by the Small Business Administration during enactment of the Small Business Jobs Act of 2010 (Public Law 111-240) and to ensure that procurement center representatives review consolidated contracts or task orders that are fully or partially set aside or reserved for small business.

The Senate recedes with an amendment that would clarify that procurement center representatives of the Small Business Administration shall not review contracts

awarded pursuant to status of forces agreements or contracts of the Department of Defense awarded and performed overseas. The amendment also would stipulate that contracts excluded from procurement center representative review shall not be included in any calculation of the Department's attainment of the small business goals established in 15(g) of the Small Business Act (15 USC 644(g)).

*Duties of the Office of Small and Disadvantaged Business Utilization (sec. 1812)*

The House amendment contained a provision (sec. 1813) that would amend section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to revise the duties of the Offices of Small and Disadvantaged Business Utilization in Federal agencies. The offices would be authorized to provide assistance to service-disabled veteran-owned small businesses and participants in the Historically Underutilized Business Zone program which are not included in the current list of small business programs. The offices also would review annual summaries of Government credit card purchases to ensure compliance with the Small Business Act.

The Senate bill contained no similar provision.

The Senate recesses.

*Improving contractor compliance (sec. 1813)*

The House amendment contained a provision (sec. 1814) that would amend sections 15 and 45 of the Small Business Act (15 U.S.C. 644 and 15 U.S.C. 657r), and section 831(e)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to promote the availability of existing programs that assist small contractors attempting to comply with Federal regulations. The Small Business Administration would develop a list of no-cost compliance assistance programs for small contractors which would be distributed through the Small Business Administration and Federal agency small-business offices to small contractors. This section would also require that any mentor-protégé agreement approved by the Small Business Administration or the Department of Defense address the provision of compliance assistance to the protégé firm.

The Senate bill contained no similar provision.

The Senate recesses.

*Improving education on small business regulations (sec. 1814)*

The House amendment contained a provision (sec. 1861) that would amend section 15 of the Small Business Act (15 U.S.C. 644) to require the Small Business Administration to annually share a list of regulatory changes affecting small-business contracting with entities responsible for training acquisition personnel, such as the Federal Acquisition Institute and the Defense Acquisition University, and to entities providing technical assistance to small contractors. This section would also require that the applicable entities periodically update training materials.

The Senate bill contained no similar provision.

The Senate recesses.

*Subtitle C—Strengthening Opportunities for Competition in Subcontracting*

*Good faith in subcontracting (sec. 1821)*

The House amendment contained a provision (sec. 1821) that would amend section 8(d) of the Small Business Act (15 U.S.C. 637(d)) to improve compliance with subcontracting requirements.

The Senate bill contained no similar provision.

The Senate recesses.

*Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings (sec. 1822)*

The House amendment contained a provision (sec. 1822) that would establish a 3-year pilot program in which small, first-tier subcontractors could obtain past performance credit from the Small Business Administration.

The Senate bill contained no similar provision.

The Senate recesses with an amendment that would establish a deadline by which small business concerns must submit requests for a past performance rating.

The conferees direct the Secretary of Defense to ensure that the Department of Defense, its components, and the Services are providing timely evaluations of past performance and giving due credit to the evaluations previously conducted, even those conducted by a different component, Service, or agency, consistent with current law and regulation. No later than 60 days after enactment of the National Defense Authorization for Fiscal Year 2017, the conferees direct the Secretary to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the Department's progress meeting these objectives.

*Amendments to the Mentor-Protégé Program of the Department of Defense (sec. 1823)*

The House amendment contained a provision (sec. 1831) that would amend section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to require the Small Business Administration to determine whether a prospective protégé firm is affiliated with its proposed mentor prior to approval of a mentor-protégé agreement. The same requirement would be removed from the Department of Defense.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would better organize the eligibility requirements. The conferees note that the changes in this provision will allow for determinations of small business status to be made in the same manner as such determinations are for purposes of federal contracting. The change does not alter the Department's control of its mentor-protégé program, nor the statutory provision that prohibits the Small Business Administration from considering support provided by a mentor to a protégé firm under this program as evidence of affiliation. However, the provision would prevent instances of confusion, and the potential for fraud, by preventing competing determinations of small business status.

*Subtitle D—Miscellaneous Provisions*

*Improvements to size standards for small agricultural producers (sec. 1831)*

The House amendment contained a provision (sec. 1863) that would amend section 18(b) of the Small Business Act (15 U.S.C. 647(b)) to revise the definition of an agricultural enterprise. This section would also amend section 3(a) of the Small Business Act (15 U.S.C. 632(a)) to authorize the Small Business Administration to establish different size standards for various types of agricultural enterprises. Size standards would be established according to the existing method and appeals process by which the Small Business Administration establishes other size standards.

The Senate bill contained no similar provision.

The Senate recesses.

*Uniformity in service-disabled veteran definitions (sec. 1832)*

The House amendment contained a provision (sec. 1864) that would amend section 3(q)

of the Small Business Act (15 U.S.C. 632(q)) and section 8127 of title 38, United States Code, to standardize definitions for veteran-owned small businesses (VOSBs) and service-disabled veteran-owned small businesses (SDVOSBs). This section would also require the Secretary of Veterans Affairs to use the regulations established by the Small Business Administration for establishing ownership and control of VOSBs and SDVOSBs. The Secretary would continue to determine whether individuals are veterans or service-disabled veterans and would be responsible for verification of applicant firms. Challenges to the status of a VOSB or SDVOSB based upon issues of ownership or control would be decided by the administrative judges at the Office of Hearings and Appeals of the Small Business Administration. This section would not affect the Department of Defense.

The Senate bill contained no similar provision.

The Senate recesses.

*Office of Hearings and Appeals (sec. 1833)*

The House amendment contained a provision (sec. 1866) that would amend sections 3(a) and 5(i) of the Small Business Act (15 U.S.C. 632(a) and 15 U.S.C. 634(i)) to clarify that the Office of Hearings and Appeals will not hear appeals on programs not found in the Small Business Act. This section also would allow a grace period for appeals that occur before the Small Business Administration implements the requirements of this section.

The Senate bill contained no similar provision.

The Senate recesses.

*Extension of SBIR and STTR programs (sec. 1834)*

The Senate bill contained a provision (sec. 874) that would amend sections 9(m) and 9(n)(1) of the Small Business Act (15 U.S.C. 638(m)) in order to make the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program at the Department of Defense permanent.

The House amendment contained no similar provision.

The House recesses with an amendment that would extend the programs government-wide for an additional 5 years.

*Issuance of guidance on small business matters (sec. 1835)*

The House amendment contained a provision (sec. 1867) that would require the Administrator of the Small Business Administration to issue guidance with respect to the changes to the Small Business Act made in this title.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would provide a timeline for implementing guidance by the Department of Veterans Affairs.

*Subtitle E—Improving Cyber Preparedness for Small Businesses*

*Small Business Development Center Cyber Strategy and outreach (sec. 1841)*

The House amendment contained a provision (sec. 1869A) that would amend section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) to grant the Secretary of Homeland Security authority to provide assistance to small business development centers in the form of training and dissemination of information on cybersecurity, as outlined elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recesses with a technical amendment that would maintain consistency

in the use of terms such as cyber threat awareness.

*Role of small business development centers in cybersecurity and preparedness (sec. 1842)*

The House amendment contained a provision (sec. 1868) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to define the role of the Small Business Development Center Cyber Strategy, which was established elsewhere in this Act.

The Senate bill contained no similar provision.

The Senate recedes.

*Additional cybersecurity assistance for small business development centers (sec. 1843)*

The House amendment contained a provision (sec. 1869) that would amend section 21(a) of the Small Business Act (15 U.S.C. 648) to give the Department of Homeland Security the authority to provide cybersecurity assistance, in the form of trainings and other outreach, to small business development centers to enhance security and awareness.

The Senate bill contained no similar provision.

The Senate recedes.

*Prohibition on additional funds (sec. 1844)*

The House amendment contained a provision (sec. 1869C) that would prohibit the use of additional funds to be appropriated to carry out the previous sections, other than those already appropriated within these sections.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Improving reporting on small business goals*

The House amendment contained a provision (sec. 1802) that would amend section 15(h) of the Small Business Act (15 U.S.C. 644(h)) to require the Small Business Administration, using data already required to be collected from contractors, to track companies that outgrow or no longer qualify for a small business program, as well as identify how prime contracting goals are met.

The Senate bill contained no similar provision.

The House recedes.

*Uniformity in procurement terminology*

The House amendment contained a provision (sec. 1804) that would amend section 3(m) of the Small Business Act (15 U.S.C. 632(m)) and section 15(j) of the Small Business Act (15 U.S.C. 644(j)) to update procurement terminology consistent with the Federal Acquisition Regulation and with terminology used in titles 10 and 41, United States Code.

The Senate bill contained no similar provision.

The House recedes.

*Responsibilities of Commercial Market Representatives*

The House amendment contained a provision (sec. 1812) that would amend section 4(h) of the Small Business Act (15 U.S.C. 633(h)), to provide a definition of the duties and responsibilities of the commercial market representatives employed by the Small Business Administration.

The Senate bill contained no similar provision.

The House recedes.

*Responsibilities of Business Opportunity Specialists*

The House amendment contained a provision (sec. 1815) that would amend section 4(g) of the Small Business Act (15 U.S.C. 633(g)) to add a job description and reporting hierarchy for business opportunity specialists of the Small Business Administration.

The Senate bill contained no similar provision.

The House recedes.

*Improving cooperation between the mentor-protege programs of the Small Business Administration and the Department of Defense*

The House amendment contained a provision (sec. 1832) that would amend section 45(b) of the Small Business Act (15 U.S.C. 657(b)) to require the Department of Defense to obtain approval from the Administrator of the Small Business Administration prior to carrying out a mentor-protege program.

The Senate bill contained no similar provision.

The House recedes.

*Office of Women's Business Ownership*

The House amendment contained a provision (sec. 1841) that would amend section 29(g) of the Small Business Act (15 U.S.C. 656(g)) to clarify the duties of the Small Business Administration's Office of Women's Business Ownership, and to require that the office establish an accreditation program for its grant recipients.

The Senate bill contained no similar provision.

The House recedes.

*Women's Business Center Program*

The House amendment contained a provision (sec. 1842) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program.

The Senate bill contained no similar provision.

The House recedes.

*Matching requirements under Women's Business Center Program*

The House amendment contained a provision (sec. 1843) that would amend section 29 of the Small Business Act (15 U.S.C. 656), relating to the Women's Business Center Program, to limit the ability of the Administrator to waive the requirement for matching funds by grant recipients, and to provide that excess non-Federal dollars obtained by a grant recipient will not be subject to part 200 of title 2, Code of Federal Regulations, or any successor regulations.

The Senate bill contained no similar provision.

The House recedes.

*SCORE reauthorization*

The House amendment contained a provision (sec. 1851) that would amend section 20 of the Small Business Act (15 U.S.C. 631 note) to authorize the SCORE program through fiscal year 2018, and to permit the current level of appropriations to extend through that period.

The Senate bill contained no similar provision.

The House recedes.

*SCORE program*

The House amendment contained a provision (sec. 1852) that would amend sections 8(b) and 8(c) of the Small Business Act (15 U.S.C. 637(b)-(c)) to rename the Service Corps of Retired Executives program, the "SCORE" program.

The Senate bill contained no similar provision.

The House recedes.

*Online component*

The House amendment contained a provision (sec. 1853) that would amend section 8(c) of the Small Business Act (15 U.S.C. 637(c)) to create an online component for the SCORE Association to utilize.

The Senate bill contained no similar provision.

The House recedes.

*Study and report on the future role of the SCORE program*

The House amendment contained a provision (sec. 1854) that would require the

SCORE Association to conduct a study and develop a plan for how the SCORE program will evolve to meet the needs of small business concerns.

The Senate bill contained no similar provision.

The House recedes.

*Technical and conforming amendments*

The House amendment contained a provision (sec. 1855) that would make technical and conforming amendments to various places in law which reference the program that SCORE would replace.

The Senate bill contained no similar provision.

The House recedes.

*Required reports pertaining to capital planning and investment control*

The House amendment contained a provision (sec. 1865) that would require the Small Business Administration to provide information regarding certain Federal major information technology investments to the Small Business and Entrepreneurship Committee of the Senate and the Small Business Committee of the House of Representatives.

The Senate bill contained no similar provision.

The House recedes.

*GAO study on small business cyber support services and small business development center cyber strategy*

The House amendment contained a provision (sec. 1869B) that would require the Comptroller General of the United States to conduct a review of current cybersecurity resources at the Federal level aimed at assisting small business concerns with developing or enhancing cybersecurity infrastructure, cyber threat awareness, or cyber training programs for employees.

The Senate bill contained no similar provision.

The House recedes.

*Short title*

The House amendment contained a provision (sec. 1871) that would cite this subtitle as the "Small Business Development Centers Improvement Act of 2016".

The Senate bill contained no similar provision.

The House recedes.

*Use of authorized entrepreneurial development programs*

The House amendment contained a provision (sec. 1872) that would amend the Small Business Act (15 U.S.C. 631 et seq.) to add a new section that would expand the use of entrepreneurial development programs.

The Senate bill contained no similar provision.

The House recedes.

*Marketing of services*

The House amendment contained a provision (sec. 1873) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to ensure that the Administrator will not prohibit applicants who have received grants under the Small Business Development Center program from marketing and advertising their services to individuals and small business concerns.

The Senate bill contained no similar provision.

The House recedes.

*Data collection*

The House amendment contained a provision (sec. 1874) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to ensure that data collection regarding grant applicants is improved.

The Senate bill contained no similar provision.

The House recedes.

*Fees from private partnerships and cosponsorships*

The House amendment contained a provision (sec. 1875) that would amend section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)(C)) that would ensure that small business development centers participating in private partnerships and cosponsorships with the Administration are not limited from collecting fees or other income related to the operation of such partnerships.

The Senate bill contained no similar provision.

The House recedes.

*Equity for small business development centers*

The House amendment contained a provision (sec. 1876) that would amend subclause (I) of section 21(a)(4)(C)(v) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)) to increase the threshold allowed to the Administrator to pay expenses related to the development program from \$500,000 to \$600,000.

The Senate bill contained no similar provision.

The House recedes.

*Confidentiality requirements*

The House amendment contained a provision (sec. 1877) that would amend Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) to clarify that certain information regarding small business participation in this program would not be disclosed without the consent of the individual or small business concern to any State, local or Federal agency, or third party.

The Senate bill contained no similar provision.

The House recedes.

*Limitation on award of grants to small business development centers*

The House amendment contained a provision (sec. 1878) that would amend section 21 of the Small Business Act (15 U.S.C. 648) to limit the award of grants.

The Senate bill contained no similar provision.

The House recedes.

## TITLE XIX—DEPARTMENT OF HOMELAND SECURITY STRATEGY FOR INTERNATIONAL PROGRAMS

*Department of Homeland Security Strategy for International Programs (secs. 1901–1913)*

The conference agreement includes a subtitle that would make various authorizations and modifications with respect to the Department of Homeland Security.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

*Summary and explanation of funding tables*

Division B of this Act authorizes funding for military construction projects of the Department of Defense. It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization Security Investment Program. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The tables contained in this Act provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account.

*Short title (sec. 2001)*

The Senate bill contained a provision (sec. 2001) that would designate division B of this Act as the “Military Construction Authorization Act for Fiscal Year 2017.”

The House amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

*Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The Senate bill contained a provision (sec. 2002) that would establish the expiration date for authorizations in this Act for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization Security Investment Program as of October 1, 2019, or the date of enactment of an act authorizing funds for military construction for fiscal year 2020, whichever is later.

The House amendment contained a similar provision (sec. 2002).

The Senate recedes.

*Effective date (sec. 2003)*

The Senate bill contained a provision (sec. 2003) that would provide an effective date for titles XXI through XXVII of October 1, 2016 or the date of enactment of this Act.

The House amendment contained a similar provision (sec. 2003).

The Senate recedes.

## TITLE XXI—ARMY MILITARY CONSTRUCTION Summary

The budget request included authorization of appropriations of \$503.5 million for military construction and \$526.7 million for family housing for the Army in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$553.9 million for military construction and \$483.2 million for family housing for the Army in fiscal year 2017.

The agreement includes authorization for three projects from the Army’s unfunded requirements list: \$10.6 million for a Company Operations Facility at Fort Gordon, Georgia; \$6.9 million for a Fire Station at Fort Leonard Wood, Missouri; and \$23.0 million for a Vehicle Maintenance Shop at Fort Belvoir, Virginia.

The conferees note that the budget request included \$143.6 million for Family Housing New Construction at Camp Humphries, Republic of Korea. Furthermore, the conferees are aware that this is the first phase of proposed military family housing construction at Camp Humphries, with a \$153.0 million second phase planned for fiscal year 2019. Given the requirements that have been established by the Commander of U.S. Forces Korea to house command sponsored families on installation and the timelines for the relocation of U.S. Forces Korea and Eighth Army to Camp Humphries, the conferees believe that combining the two phases into a single project will result in efficiencies in terms of the financial cost of the project and the construction timeline. Therefore, the agreement recommends a total authorization of \$297.0 million for Family Housing New Construction at Camp Humphries, Republic of Korea. However, the conferees support the authorization of appropriations for fiscal year 2017 only in an amount equivalent to the ability of the military department to execute in the year of authorization of appropriations. Therefore, the agreement recommends \$100.0 million, a reduction of \$43.6 million, for this project in fiscal year 2017.

In addition, the conference agreement authorizes \$35.0 million for the Army’s unspecified minor construction program, an increase of \$10.0 million above the budget request.

*Authorized Army construction and land acquisition projects (sec. 2101)*

The Senate bill contained a provision (sec. 2101) that would contain the list of authorized Army construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The

state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The House amendment contained a similar provision (sec. 2101).

The Senate recedes.

*Family housing (sec. 2102)*

The Senate bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2017.

The House amendment contained a similar provision (sec. 2102).

The Senate recedes.

*Authorization of appropriations, Army (sec. 2103)*

The Senate bill contained a provision (sec. 2103) that would authorize appropriations for the active component military construction and family housing projects of the Army authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active component of the Army.

The House amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2014 project (sec. 2104)*

The Senate bill contained a provision (sec. 2104) that would modify the authorization contained in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) for construction of an aircraft maintenance hangar at Joint Base Lewis-McChord, Washington to include an aircraft washing apron.

The House amendment contained an identical provision (sec. 2104).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2105)*

The Senate bill contained a provision (sec. 2105) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239) for two projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2105).

The Senate recedes.

*Extension of authorizations of certain fiscal year 2014 projects (sec. 2106)*

The Senate bill contained a provision (sec. 2106) that would extend the authorization contained in section 2101 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66) for three projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2106).

The House recedes.

## TITLE XXII—NAVY MILITARY CONSTRUCTION Summary

The budget request included authorization of appropriations of \$1.03 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.2 billion for military construction and \$394.9 million for family housing for the Navy and Marine Corps in fiscal year 2017.

The conference agreement includes authorization for two projects from the Navy’s unfunded requirements list unfunded requirements list: \$27.0 million for Chambers Field

Magazine Recap Phase 1 at Norfolk, Virginia, and \$73.0 million for SEAWOLF Class Service Pier at Bangor, Washington.

The agreement includes authorization for three projects from the Marine Corp's unfunded requirements list: \$118.9 million for an Aircraft Maintenance Hangar Increment 1 at Miramar, California; \$34.7 million for a Communication Complex & Infrastructure Upgrade at Miramar, California; \$40.0 million for F-35 Parking Apron at Miramar, California. With respect to the Aircraft Maintenance Hangar, we support the authorization for appropriations in an amount equivalent to the ability of the military department to execute in the year of the authorization for appropriations. For this project, the conferees believe that the Department of the Navy has exceeded its ability to fully expend the funding requested for fiscal year 2017. As such, the agreement recommends incremental funding with an authorization of appropriations in the amount of \$79.4 million, a reduction of \$39.5 million, for this project. Furthermore, the conferees note that these three projects at Miramar were included in the Marine Corps' unfunded requirements list due to a late development and the need to align F-35C squadron operational dates with plans to stand up the first F-35C compatible aircraft carrier on the west coast of the United States.

*Authorized Navy construction and land acquisition projects (sec. 2201)*

The Senate bill contained a provision (sec. 2201) that would authorize Navy and Marine Corps military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2201).

The Senate recedes with a technical amendment.

*Family housing (sec. 2202)*

The Senate bill contained a provision (sec. 2202) that would authorize new construction, planning, and design of family housing units for the Navy for fiscal year 2017. This provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The House amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

*Improvements to military family housing units (sec. 2203)*

The Senate bill contained a provision (sec. 2203) that would authorize the Secretary of the Navy to improve existing family housing units of the Department of the Navy in an amount not to exceed \$11.1 million.

The House amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

*Authorization of appropriations, Navy (sec. 2204)*

The Senate bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active components of the Navy and the Marine Corps. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2204).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2014 project (sec. 2205)*

The Senate bill contained a provision (sec. 2205) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for construction of a water transmission line at Pearl City, Hawaii to include a 591-meter long, 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

The House amendment contained an identical provision (sec. 2205).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2206)*

The Senate bill contained a provision (sec. 2206) that would extend the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), for various projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2206).

The Senate recedes.

*Extension of authorizations of certain fiscal year 2014 projects (sec. 2207)*

The Senate bill contained a provision (sec. 2207) that would modify the authorization contained in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66), for seven projects until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2207).

The conference agreement includes this provision.

*Status of "net negative" policy regarding Navy acreage on Guam (sec. 2208)*

The House amendment included a provision (Sec. 2208) that would require the Secretary of the Navy to submit a report to the congressional defense committees not later than 6 months after the date of the enactment of this Act regarding the status of the implementation of the "Net Negative" policy regarding the total number of acres of real property controlled by the Department of the Navy on the Territory of Guam.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees are concerned that the Department of the Navy has not adequately defined the scope of lands that will be returned to the Government of Guam pursuant to the Net Negative policy announced in 2011, or the process that will be used to identify and transfer such lands. Specifically, the conferees are concerned by the ambiguity regarding the status of lands identified for return prior to the announcement of the Net Negative policy, such as Guam Land Use Plan of 1977, which were not originally identified for inclusion in the calculation of lands under the Net Negative policy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

*Summary*

The budget request included authorization of appropriations of \$1.5 billion for military construction and \$335.7 million for family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$1.7 billion for military construction and \$335.7 million for

family housing for the Air Force in fiscal year 2017.

The conference agreement includes authorization for seven projects on the Air Force's unfunded requirements list: \$15.5 million for a JAG School Expansion at Maxwell Air Force Base, Alabama; \$36.0 million for Dormitories (288 rooms) at Eglin Air Force Base, Florida; \$41.0 million for Consolidated Corrosion Facility Add/Alt at Scott Air Force Base, Illinois; \$50.0 million for Consolidated Communications Center at Joint Base Andrews, Maryland; \$10.9 million to Construction Vandenberg Gate Complex at Hanscom Air Force Base, Massachusetts; \$26.0 million for E-3G Mission and Flight Simulator Training Facility at Tinker Air Force Base, Oklahoma; and \$17.0 million for Fire & Rescue Station at Joint Base Charleston, South Carolina.

In addition, the conference agreement authorizes \$40.0 million for the Air Force's unspecified minor construction program, an increase of \$10.0 million above the budget request.

*Authorized Air Force construction and land acquisition projects (sec. 2301)*

The Senate bill contained a provision (sec. 2301) that would authorize Air Force military construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2301).

The Senate recedes with a technical amendment.

*Family housing (sec. 2302)*

The Senate bill contained a provision (sec. 2302) that would authorize new construction, planning, and design of family housing units for the Air Force for fiscal year 2017. This provision would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

The House amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

*Improvements to military family housing units (sec. 2303)*

The Senate bill contained a provision (sec. 2303) that would authorize the Secretary of the Air Force to improve existing family housing units of the Department of the Air Force in an amount not to exceed \$150.7 million.

The House amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

*Authorization of appropriations, Air Force (sec. 2304)*

The Senate bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active component of the Air Force. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2304).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2016 project (sec. 2305)*

The Senate bill contained a provision (sec. 2305) that would modify the authorization contained in section 2301 of the National Defense Authorization Act for Fiscal Year 2016

(Public Law 114-92) for a tactical response force alert facility at Malstrom Air Force Base, Montana to include the construction of an emergency power generator system.

The House amendment contained an identical provision (sec. 2305).

The conference agreement includes this provision.

*Extension of authorization of certain fiscal year 2013 project (sec. 2306)*

The House amendment contained a provision (sec. 2306) that would extend the authorization listed, originally provided by section 2301 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239), and previously extended by section 2309 of the Military Construction Authorization Act for Fiscal Year 2016 (Public Law 114-92), until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The Senate bill contained no similar provision.

The Senate recedes.

*Extension of authorization of certain fiscal year 2014 project (sec. 2307)*

The Senate bill contained a provision (sec. 2306) that would extend the authorization contained in section 2301 of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113-66) for various projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained a similar provision (sec. 2307).

The Senate recedes.

*Restriction on acquisition of property in Northern Mariana Islands (sec. 2308)*

The House amendment contained a provision (sec. 2308) that would prohibit the Secretary of the Air Force from using any of the amounts authorized to be appropriated to acquire property or interests in property at an unspecified location in the Commonwealth of the Northern Mariana Islands until the congressional defense committees have received a report from the Secretary that provides the specific location of the property or interest in property to be acquired, the total cost, scope and location of military construction projects for divert activities and exercises at the location, and an analysis of any alternative locations considered, including other locations or interests within the Commonwealth of the Northern Mariana Islands or the Freely Associated States.

The Senate bill contained no similar provision.

The Senate recedes.

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

*Summary*

The budget request included authorization of appropriations of \$2.06 billion for military construction and \$62.4 million for family housing for the defense agencies in fiscal year 2017.

The conference agreement includes authorization of appropriations of \$2.03 billion for military construction and \$62.4 million for family housing for the defense agencies in fiscal year 2017.

The budget request included \$10.0 million for contingency construction at various world-wide locations. The conferees note that the Department of Defense has not requested a military construction project using funds from this account since 2008. As such, the agreement recommends no funds, a reduction of \$10.0 million for this program.

The budget request included \$10.0 million for the Energy Conservation Investment Pro-

gram's Planning and Design activities. The conferees recommend that this program be carried out as part of the Defense-Wide Military Construction program. Therefore, the agreement recommends no funding for the Energy Conservation Investment Program's Planning and Design activities, a reduction of \$10.0 million, and \$23.5 million for Defense Wide Military Construction Planning and Design activities, an increase of \$10.0 million, to reflect the inclusion of the Energy Conservation Investment Program as part of the Defense Wide Military Construction program.

The budget request included \$71.6 million for the National Geospatial Intelligence Agency Military Construction Planning and Design activities. The conferees understand that the National Geospatial Intelligence Agency would be unable to execute the full amount requested for Military Construction Planning and Design activities in fiscal year 2017. Therefore, the agreement recommends \$36.0 million, a reduction of \$35.6 million, for this program.

In addition, the agreement recommends an increase of funding for a military construction project not included in the budget request, \$15.0 million for the Missile Defense Agency Military Construction Planning and Design activities for an East Coast site for homeland missile defense.

*Authorized Defense Agencies construction and land acquisition projects (sec. 2401)*

The Senate bill contained a provision (sec. 2401) that would contain the list of authorized defense agencies' construction projects for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis. The state list contained in this Act is intended to be the binding list of the specific projects authorized at each location.

The House amendment contained a similar provision (sec. 2401).

The Senate recedes with a technical amendment.

*Authorized energy conservation projects (sec. 2402)*

The House amendment contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects valued at a cost greater than \$3.0 million at the amounts authorized for each project at a specific location. This section would also authorize the sum total of projects across various locations, each project of which is less than \$3.0 million.

The Senate bill contained a similar provision (sec. 2402).

The Senate recedes.

*Authorization of appropriations, Defense Agencies (sec. 2403)*

The Senate bill contained a provision (sec. 2403) that would authorize appropriations for the military construction and family housing projects of the defense agencies authorized for construction for fiscal year 2017. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the defense agencies.

The House amendment contained an identical provision (sec. 2403).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2014 project (sec. 2404)*

The Senate bill contained a provision (sec. 2404) that would modify the authority contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for the construction of a high school at Royal Air Force Base Lakenheath, United Kingdom to allow the construction of a combined middle/high school.

The House amendment contained an identical provision (sec. 2404).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2013 projects (sec. 2405)*

The Senate bill contained a provision (sec. 2405) that would extend the authorization contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) for two projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2405).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2014 projects (sec. 2406)*

The Senate bill contained a provision (sec. 2406) that would extend the authorization contained in section 2401 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for ten projects until October 1, 2017, or the date of enactment of an act authorizing funds for the military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2406).

The conference agreement includes this provision.

**TITLE XXV—INTERNATIONAL PROGRAMS**

*Summary*

The budget request included authorization of appropriations of \$177.9 million for military construction in fiscal year 2017 for the North Atlantic Treaty Organization (NATO) Security Investment Program. In addition, pursuant to agreement with the Republic of Korea, the budget request included a list of \$618.6 million in military construction projects to be funded as in-kind contributions by the Republic of Korea.

The conference agreement includes this amount for the NATO projects and the authorization to accept the military construction projects funded by the Republic of Korea.

*Subtitle A—North Atlantic Treaty Organization Security Investment Program Authorized NATO construction and land acquisition projects (sec. 2501)*

The Senate bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The House amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

*Authorization of appropriations, NATO (sec. 2502)*

The Senate bill contained a provision (sec. 2502) that would authorize appropriations of \$177.9 million for the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program for fiscal year 2017.

The House amendment contained an identical provision (sec. 2502).

The conference agreement includes this provision.

*Subtitle B—Host Country In-Kind Contributions*

*Republic of Korea funded construction projects (sec. 2511)*

The Senate bill contained a provision (sec. 2511) that would authorize the Secretary of

Defense to accept 19 military construction projects totaling \$684.1 million from the Republic of Korea as in-kind contributions.

The House amendment contained no similar provision.

The House recesses with a technical amendment.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

*Summary*

The budget request included \$672.7 million for military construction for National Guard and Reserve facilities for fiscal year 2017.

The conference agreement includes authorization of appropriations of \$781.2 million for military construction for National Guard and Reserve facilities in fiscal year 2017.

The agreement includes authorization for three projects from the Army National Guard's unfunded requirements list: \$16.5 million for National Guard Readiness Center at Fort Carson, Colorado; \$20.0 million for Access Control Buildings at Fort Indiantown Gap, Pennsylvania; and \$31.0 million for a General Instruction Building at Camp Guernsey, Wyoming.

The agreement includes authorization for one project from the Army Reserves unfunded requirements list: \$30.0 million for an Army Reserve Center in Phoenix, Arizona.

The agreement includes authorization for two projects from the Air National Guard's unfunded requirements list: \$5.0 million for Munitions Load Crew Training/Corrosion Control Facility at Joint Base Andrews, Maryland and \$6.0 million for Indoor Small Arms Range at Toledo Express Airport, Ohio.

**Subtitle A—Project Authorizations and Authorizations of Appropriations**

*Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The Senate bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2601).

The Senate recesses with a technical amendment.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The Senate bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2602).

The House recesses.

*Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)*

The Senate bill contained a provision (sec. 2603) that would contain the list of authorized Navy Reserve and Marine Corps Reserve construction projects for fiscal year 2017.

The House amendment contained an identical provision (sec. 2603).

The conference agreement includes this provision.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The Senate bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2604).

The Senate recesses.

*Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)*

The Senate bill contained a provision (sec. 2605) that would authorize military construc-

tion projects for the Air Force Reserve for fiscal year 2017. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained a similar provision (sec. 2605).

The House recesses.

*Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The Senate bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects authorized for construction for fiscal year 2017 in this Act. This provision would also provide an overall limit on the amount authorized for military construction projects for each of the reserve components of the military departments. The state list contained in this report is the binding list of the specific projects authorized at each location.

The House amendment contained an identical provision (sec. 2606).

The conference agreement includes this provision.

**Subtitle B—Other Matters**

*Modification of authority to carry out certain fiscal year 2014 project (sec. 2611)*

The Senate bill contained a provision (sec. 2611) that would modify the authorization contained in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for construction of a new Army Reserve Center at Bullville, New York to allow the Secretary of the Army to add to or alter the existing Army Reserve Center at that location.

The House amendment contained an identical provision (sec. 2611).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2015 project (sec. 2612)*

The Senate bill contained a provision (sec. 2612) that would modify the authorizations contained in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291), for construction of a Reserve Training Center in Pittsburgh, Pennsylvania to allow the acquisition of approximately 8.5 acres of adjacent land necessary to construct road improvements and associated supporting facilities to provide required access to that site.

The House amendment contained an identical provision (sec. 2612).

The conference agreement includes this provision.

*Modification of authority to carry out certain fiscal year 2016 project (sec. 2613)*

The House amendment contained a provision (sec. 2613) that would modify the authority provided by section 2602 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92) to authorize the Secretary of the Army to make certain modifications to the scope of a previously authorized construction project.

The Senate bill contained no similar provision.

The Senate recesses.

*Extension of authorization of certain fiscal year 2013 project (sec. 2614)*

The Senate bill contained a provision (sec. 2613) that would extend the authorization contained in section 2603 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239) for one project until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2614).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2014 projects (sec. 2615)*

The Senate bill contained a provision (sec. 2614) that would extend the authorization contained in sections 2602, 2603, 2604, and 2605 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) for six projects until October 1, 2017, or the date of the enactment of an act authorizing funds for military construction for fiscal year 2018, whichever is later.

The House amendment contained an identical provision (sec. 2615).

The conference agreement includes this provision.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Report on replacement of security forces and communications training facility at Frances S. Gabreski Air National Guard Base, New York*

The Senate bill contained a provision (sec. 2615) that would require the Secretary of the Air Force to submit a report to the congressional defense committees assessing the need to replace security forces and communication facilities at Frances S. Gabreski Air National Guard Base, New York.

The House amendment contained no similar provision.

The Senate recesses.

The conferees direct the Secretary of the Air Force to provide the congressional defense committees, by April 1, 2017, a report detailing an assessment of the need to replace security forces and communication facilities at Frances S. Gabreski Air National Guard Base, New York.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

*Summary*

The budget request included authorization of appropriations of \$205.2 million for the ongoing cost of environmental remediation and other activities necessary to continue implementation of the 1988, 1991, 1993, 1995, and 2005 Base Realignment and Closure (BRAC) rounds.

The conference agreement includes authorization of appropriations of \$240.7 million for activities related to BRAC activities from previous rounds. This includes \$24.5 million, an increase of \$10.0 million, for the Army, \$159.4 million, an increase of \$25.0 million, for the Navy, and \$56.4 million, as included in the budget request, for the Air Force.

*Extension of authorizations of certain fiscal year 2014 projects (sec. 2701)*

The Senate bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2017 for ongoing activities that are required to implement the decisions of the 1988, 1991, 1993, 1995, and 2005 Base Realignment and Closure rounds.

The House amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

*Prohibition on conducting additional base realignment and closure (BRAC) round (sec. 2702)*

The Senate bill contained a provision (sec. 2702) that would make clear that nothing in this Act shall be construed to authorize a future Base Realignment and Closure (BRAC) round. Elsewhere in the Act, the Senate recommended a reduction of \$4.0 million for BRAC planning activities.

The House amendment contained a similar provision (sec. 2701).

The House recesses.

The conferees remain concerned that the Secretary of Defense has yet to provide the force structure plan, the infrastructure inventory, and the assessment of infrastructure necessary to support the force structure

that were required to be prepared under section 2815 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1175). The conferees believe this congressionally directed report is necessary in order to evaluate the Department's need, and request for a new base realignment and closure round.

**TITLE XXVIII—MILITARY CONSTRUCTION  
GENERAL PROVISIONS**

**Subtitle A—Military Construction Program  
and Military Family Housing Changes**

*Modification of criteria for treatment of laboratory revitalization projects as minor military construction projects (sec. 2801)*

The Senate bill contained a provision (sec. 220) that would modify the authority to use minor military construction to revitalize antiquated laboratories and to increase the scope of the projects that are allowed under this provision to \$6.0 million. Additionally, this provision would extend the authorization to 2025.

The House amendment contained a similar provision (sec. 2801).

The Senate recedes with an amendment that includes the extension of the authorization through 2025.

*Classification of facility conversion projects as repair projects (sec. 2802)*

The House amendment contained a provision (sec. 2802) that would amend section 2811 of title 10, United States Code, to re-classify facility conversion as repair, thereby allowing all work within the existing dimensions of a facility to be considered repair.

The Senate bill contained no similar provision.

The Senate recedes.

*Limited authority for scope of work increase (sec. 2803)*

The Senate bill contained a provision (sec. 2802) that would allow the Department of Defense to increase the scope of military construction projects by up to 10 percent above the amount authorized by Congress after notifying the appropriate congressional committees.

The House amendment contained no similar provision.

The House recedes.

*Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2804)*

The Senate bill contained a provision (sec. 2801) that would reauthorize contingency construction authority in certain areas outside the United States for an additional year.

The House amendment contained a similar provision (sec. 2803) that would provide continued authority for the Secretary of Defense to use funds appropriated for Operation and Maintenance for military construction to meet temporary operational requirements during a time of declared war, national emergency, or contingency operation through the end of fiscal year 2017.

The Senate recedes.

*Authority to expand energy conservation construction program to include energy resiliency projects (sec. 2805)*

The House amendment contained a provision (sec. 2805) that would amend section 2914 of title 10, United States Code, to address gaps in the information contained in congressional notifications submitted by the Secretary of Defense for the Energy Conservation Investment Program. This section would also add an annual reporting requirement on the status of projects being executed under the program beginning with fiscal year 2017 and ending with fiscal year 2020.

The Senate bill contained a related provision (sec. 2811) that would allow the Energy

Conservation Investment Program to invest in projects relating to resiliency and security.

The Senate recedes with an amendment to expand the authority of the Energy Conservation Investment Program to include resiliency projects.

*Additional entities eligible for participation in defense laboratory modernization pilot program (sec. 2806)*

The House amendment contained a provision (sec. 2806) that would expand the defense laboratory modernization pilot program to include a Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Reinvention Laboratory, but nonetheless is involved with developmental test and evaluation.

The Senate bill contained no similar provision.

The Senate recedes.

*Extension of temporary authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces (sec. 2807)*

The Senate bill contained a provision (sec. 2803) that would make permanent the authority to accept contributions from the Government of Kuwait for certain infrastructure projects that are mutually beneficial to the Department of Defense and Kuwait Military Forces.

The House amendment contained a similar provision (sec. 2804) that would extend for 5 years the temporary project authority for acceptance and use of contributions for construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces from September 30, 2020, to September 30, 2025.

The House recedes with an amendment that would extend the temporary project authority for 10 years.

**Subtitle B—Real Property and Facilities  
Administration**

*Acceptance of military construction projects as payments in-kind and in-kind contributions (sec. 2811)*

The House amendment contained a provision (sec. 2811) that would establish a notification requirement for payment in-kind and in-kind contributions used for overseas military construction projects and repeal the authorization requirement established for such projects in section 2803 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291).

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Allotment of space and provision of services to WIC offices operating on military installations (sec. 2812)*

The House amendment contained a provision (sec. 2813) that would authorize the Secretary of a military department to allot space and services on military installations to local agencies administering WIC programs to service members and their families.

The Senate bill contained no similar provision.

The Senate recedes.

*Sense of Congress regarding inclusion of stormwater systems and components within the meaning of "wastewater system" under the Department of Defense authority for conveyance of utility systems (sec. 2813)*

The House amendment contained a provision (sec. 2815) that would express the sense of Congress that stormwater systems and

components are included within the meaning of "wastewater system" under the Department of Defense authority for conveyance of utility systems in section 2688 of title 10, United States Code.

The Senate bill contained no similar provision.

The Senate recedes.

*Assessment of public schools on Department of Defense installations (sec. 2814)*

The Senate bill contained a provision (sec. 575) that would require the Comptroller General of the United States to submit a report, within 1 year after the date of enactment of this Act, which provides an analysis of the condition and capacity of public schools on military installations. The provision would require the analysis to include schools omitted from the July 2011 Department of Defense analysis of such schools.

The House amendment contained a provision (sec. 2816) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit a report to the congressional defense committees, which includes an update to the July 2011 assessment on the condition and capacity of elementary and secondary public schools on military installations.

The Senate recedes with an amendment that would require the Secretary to submit additional information in the report required under this provision on the status of funds appropriated and the schedule for completion of projects approved for funding. Additionally, the provision would require the Comptroller General of the United States to submit a report to the congressional defense committees, within 180 days after the date of submission of the report by the Secretary, providing an evaluation of the accuracy and analytical sufficiency of the updated assessment conducted by the Department of Defense.

*Prior certification required for use of Department of Defense facilities by other Federal agencies for temporary housing support. (sec. 2815)*

The House amendment contained a provision (sec. 2812) that would prohibit any military installation, not including those installations located outside of the United States, from being used to house unaccompanied alien children.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to certify that the use of federal facilities by another agency would not negatively affect military training, operations, readiness, or other military requirements.

**Subtitle C—Land Conveyances**

*Land conveyances, High Frequency Active Auroral Research Program facility and adjacent property, Gakona, Alaska (sec. 2821)*

The Senate bill contained a provision (sec. 2823) that would authorize the Secretary of the Air Force to convey a portion of the property that was used for the High Frequency Active Auroral Research Program near the Gulkana Village to the University of Alaska for consideration that the Secretary determines is appropriate. The provision would authorize the Secretary of the Air Force to convey another portion of the property, for consideration, to the Ahtna Alaska Native Corporation from which the property was purchased by the Secretary.

The House amendment contained a similar provision (sec. 2831).

The House recedes.

*Land conveyance, Campion Air Force Radar Station, Galena, Alaska (sec. 2822)*

The Senate bill contained a provision (sec. 2822) that would authorize the Secretary of

the Air Force to convey the former Campion Air Force station to the town of Galena, Alaska.

The House amendment contained a similar provision (sec. 2832).

The House recedes.

*Lease, Joint Base Elmendorf-Richardson, Alaska (sec. 2823)*

The Senate bill contained a provision (sec. 2826) that would authorize the Secretary of the Air Force to lease certain property at Joint Base Elmendorf-Richardson to the Municipality of Anchorage, Alaska and Mountain View Loins Club.

The House amendment contained no similar provision.

The House recedes.

*Transfer of administrative jurisdictions, Navajo Army Depot, Arizona (sec. 2824)*

The Senate bill contained a provision (sec. 2825) that would provide for the transfer of administrative jurisdiction of property at Navajo Army Depot, Arizona, to the Department of the Army for the purposes of continued military operations.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Exchange of property interests, San Diego Unified Port District, California (sec. 2825)*

The House amendment contained a provision (sec. 2833) that would authorize the Secretary of the Navy to exchange approximately 0.33 acres in San Diego, California that contains 48 parking spaces, with the San Diego Unified Port District in return for property of equal value, and without encumbrances, that provides the rights to an equivalent number of parking spaces.

The Senate bill contained no similar provision.

The Senate recedes.

*Release of property interests retained in connection with land conveyance, Eglin Air Force Base, Florida (sec. 2826)*

The House amendment contained a provision (sec. 2834) that would authorize the Secretary of the Air Force to release any and all exceptions, limitations, and conditions specified by the United States in the deeds conveying approximately 126 acres of real property in Okaloosa County, Florida, which were conveyed to the Air Force Enlisted Men's Widows and Dependents Home Foundations, Incorporated.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Land exchange, Fort Hood, Texas (sec. 2827)*

The House amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to exchange land at Fort Hood, Texas, with the City of Copperas Cove, Texas, to support the city's efforts to improve arterial transportation routes in the vicinity of Fort Hood and to promote economic development.

The Senate bill contained no similar provision.

The Senate recedes.

*Land conveyance, P-36 Warehouse, Colbern United States Army Reserve Center, Laredo, Texas (sec. 2828)*

The House amendment contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey, without consideration, to the Laredo Community College all right, title, and interest of the United States in and to the approximately 725 square foot Historic Building, P-36 Quartermaster Warehouse, at Colbern United States Army Reserve Center, Laredo, Texas.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Land conveyance, St. George National Guard Armory, St. George, Utah (sec. 2829)*

The House amendment contained a provision (sec. 2837) that would authorize the Secretary of the Interior to convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, for the purpose of permitting the Utah National Guard to use the conveyed land for military purposes.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include a reversionary clause.

*Land acquisitions, Arlington County, Virginia (sec. 2829A)*

The Senate bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to acquire by whatever means the Secretary determines is sufficient for the expansion of Arlington National Cemetery in order to maximize the number of interment sites and the compatible use of adjacent properties.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Release of restrictions, Richland Innovation Center, Richland, Washington (sec. 2829B)*

The House amendment contained a provision (sec. 2838) that would authorize the Secretary of Transportation, acting through the Maritime Administrator and in consultation with the Administrator of General Services, to release, for consideration, to the Port of Benton all remaining right, title, and interest of the United States in and to a parcel of real property consisting of approximately 71.5 acres, including any improvements thereon, in Richland, Washington.

The Senate bill contained no similar provision.

The Senate recedes.

*Modification of land conveyance, Rocky Mountain Arsenal National Wildlife Refuge (sec. 2829C)*

The House amendment contained a provision (sec. 2839) that would amend section 5(d)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102-402), to stipulate that any real property designated for disposal under this section that prohibits the use of the property for residential or industrial purposes may be modified or removed if it is determined, through a risk assessment, that the property is protective for the proposed use.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow property to be used if a determination is made that the property will be protective of human health and the environment for the proposed use with an adequate margin of safety following the modification or removal of the restriction. The provision would further state that the Secretary of the Army is not responsible for the cost of risk assessment, any damages attributable to the use as a result of any modification to the original deed restriction, or costs of any actions taken in response to such damages.

*Closure of St. Marys Airport (sec. 2829D)*

The House amendment contained a provision (sec. 2839A) that would provide for the release of the City of St. Marys, Georgia, from its obligations to the Federal Aviation Administration (FAA) associated with operation of an airport and for the Secretary of

the Navy to pay for certain costs owed by the City of St. Marys to FAA associated with the release. This would then lead to the closure of the airport.

The Senate bill contained no similar provision.

The Senate recedes.

*Transfer of Fort Belvoir Mark Center Campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the Pentagon Reservation (sec. 2829E)*

The Senate bill contained a provision (sec. 2824) that would transfer the administrative jurisdiction of the Fort Belvoir Mark Center, where the Washington Headquarters Service is located, from the Secretary of the Army to the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes.

*Return of certain lands at Fort Wingate to the original inhabitants (sec. 2829F)*

The House amendment contained a provision (sec. 7005) that would incorporate the Return of Certain Lands at Fort Wingate to The Original Inhabitants Act into this Act. This Act would require all U.S. interest in and to specified lands of the former Fort Wingate Depot Activity in McKinley County, New Mexico, transferred to the Department of the Interior to be held in trust for: (1) the Zuni Tribe as part of the Zuni Reservation; and (2) the Navajo Nation as part of the Navajo Reservation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the term of the utility easements.

Subtitle D—Military Memorials, Monuments, and Museums

*Cyber Center for Education and Innovation—Home of the National Cryptological Museum (sec. 2831)*

The Senate bill contained a provision (sec. 1673) that would authorize the Secretary of Defense to establish a Cyber Center for Education and Innovation and National Cryptologic Museum at Fort George G. Meade, and to enter into an agreement with a non-profit organization to design, construct, and operate the Center.

The House amendment contained a similar provision (sec. 2851).

The Senate recedes with technical amendment.

*Renaming site of the Dayton Aviation Heritage National Historical Park, Ohio (sec. 2832)*

The House amendment contained a provision (sec. 2852) that would modify the name of the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio, to the John W. Berry, Sr. Wright Brothers National Museum, Dayton, Ohio.

The Senate bill contained no similar provision.

The Senate recedes.

*Women's military service memorials and museums (sec. 2833)*

The Senate bill contained a provision (sec. 340) that would provide permissive authority to the Secretary of Defense to enter into a contract, or contracts, valued at no more than \$5,000,000, with a non-profit organization 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 House amendment contained a similar provision (sec. 2853).

The House recedes.

The conferees note the important role of women in the military history of the United

States and directs the Secretary of Defense to notify the congressional defense committees upon funding being used to honor the service and sacrifice of these women.

*Petersburg National Battlefield boundary modification (sec. 2834)*

The House amendment contained a provision (sec. 2854) that would authorize the Secretary of the Interior to acquire the land and interest in land, only from willing sellers and without use of condemnation, to expand the boundary of the Petersburg National Battlefield. This section would also authorize a land swap of approximately 1.170-acres between the Secretary of the Interior and the Secretary of the Army.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

*Subtitle E—Designations and Other Matters*  
*Designation of portion of Moffett Federal Airfield, California, as Moffett Air National Guard Base (sec. 2841)*

The House amendment contained a provision (sec. 2861) that would designate the 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the California Air National Guard as “Moffett Air National Guard Base.”

The Senate bill contained no similar provision.

The Senate recedes.

*Redesignation of Mike O’Callaghan Federal Medical Center (sec. 2842)*

The House amendment contained a provision (sec. 2862) that would rename the Mike O’Callaghan Federal Medical Center to the Mike O’Callaghan Military Medical Center by amending the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208)), and as amended by section 2862 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81).

The Senate bill contained no similar provision.

The Senate recedes.

*Replenishment of Sierra Vista subwatershed regional aquifer, Arizona (sec. 2843)*

The Senate bill contained a provision that would allow the Secretary of the Army or the Secretary of the Interior to enter into a cooperative agreement with the Cochise Conservation Recharge Network, Arizona, in support of efforts to replenish the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

The House amendment contained no similar provision.

The House recedes.

*Limited exceptions to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region (sec. 2844)*

The House amendment contained a provision (sec. 2821) that would amend restrictions placed on the development of civilian infrastructure on Guam to support the realignment of Marine Corps Forces in the Asia-Pacific region to allow the use of funds for infrastructure projects that are identified in the report of the Economic Adjustment Committee required by section 2822(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would lift the restriction for the cul-

tural repository facility where artifacts discovered during military construction projects would be stored.

*Permanent withdrawal or transfer of administrative jurisdiction of public land, Naval Air Weapons Station China Lake, California (sec. 2845)*

The House amendment contained a provision (sec. 2842) that would amend section 2979 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113-66) to make permanent or authorize transfer of administrative jurisdiction of the public land withdrawal for Naval Air Weapons Station China Lake, California.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide for a 50 year withdrawal of the land.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Sense of Congress on maximizing number of veterans employed on military construction projects*

The House amendment contained a provision (sec. 2807) that would express the sense of Congress that the Department of Defense should seek ways to employ veterans on military construction projects.

The Senate bill contained no similar provision.

The House recedes.

*Authority of the Secretary concerned to accept lessee improvements at Government-owned/contractor-operated industrial plants or facilities*

The Senate bill contained a provision (sec. 2812) that would amend section 2535 of title 10, United States Code, to allow a service secretary to accept facility improvements of the leased plant or facility if necessary for the development or production of military weapon systems, munitions, components, or supplies. Upon completion of the improvement the Department of Defense would assume ownership.

The House amendment contained no similar provision.

The Senate recedes.

*Treatment of insured depository institutions operating on land leased from military installations*

The Senate bill contained a provision (sec. 2813) that would amend section 2667 of title 10, United States Code, to authorize the Secretary concerned to treat all Federal or State chartered insured depository institutions to be treated equally with regard to certain financial arrangements.

The House amendment contained no similar provision.

The Senate recedes.

*Sense of Congress regarding need to consult with State and local officials prior to acquisitions of real property*

The House amendment contained a provision (sec. 2814) that would express the sense of Congress regarding the need for the Department of Defense to consult with state and local officials prior to acquisitions of real property.

The Senate bill contained no similar provision.

The House recedes.

*Improved process for disposal of Department of Defense surplus real property located overseas*

The House amendment contained a provision (sec. 2817) that would amend section 2687a of title 10, United States Code, to require the Secretary of Defense to establish a process for foreign governments to petition to transfer surplus real estate property in the foreign country.

The Senate bill contained no similar provision.

The House recedes.

*Prohibition on transfer of administrative jurisdiction, portion of Organ Mountains Area, Fillmore Canyon, New Mexico*

The House amendment contained a provision (sec. 2839B) that would prohibit the Secretary of Defense from transferring the administrative jurisdiction over the parcel of Federal land depicted as “Parcel D” on the map entitled “Organ Mountains Area—Fillmore Canyon” and dated April 19, 2016 from the Department of Defense to the Secretary of the Interior.

The Senate bill contained no similar provision.

The House recedes.

*Bureau of Land Management withdrawn military lands under Military Lands Withdrawal Act of 1999*

The House amendment contained a provision (sec. 2841) that would extend the public lands withdrawn for military purposes listed in the Military Lands Withdrawal Act of 1999 (title 30 of Public Law 106-65) until the Secretary of a military department determines a military purpose does not exist, or the Secretary of Interior permanently transfers the administrative jurisdiction to the Secretary of the military department concerned.

The Senate bill contained no similar provision.

The House recedes.

*Certification of optimal location for 4th and 5th generation combat aircraft basing and for rotation of forces at Naval Air Station El Centro or Marine Corps Air Station Kaneohe Bay*

The Senate bill contained a provision (sec. 2851) that would prohibit the expenditure of any funds for the construction of hangars, housing, maintenance or related facilities to support any current or future F/A-18 or F-35 squadrons at Naval Air Station Lemoore until an analysis of operational requirements confirms that Naval Air Station Lemoore is the optimal location for those squadrons.

The House amendment contained no similar provision.

The Senate recedes.

*Amendments to the National Historic Preservation Act*

The House amendment contained a provision (sec. 2855) that would prohibit the designation of Federal property as a National Historic Landmark or for nomination to the World Heritage List if the head of the agency managing the Federal property objects to such inclusion or designation for reasons of national security. This section would also authorize the expedited removal of Federal property listed on the National Register of Historic Places if the managing agency of that Federal property submits a request to the Secretary of Interior for such removal for reasons of national security.

The Senate bill contained no similar provision.

The House recedes.

*Recognition of the National Museum of World War II Aviation*

The House amendment contained a provision (sec. 2856) that would require a certification by the Secretary of the Air Force, Secretary of the Navy, and Secretary of the Army to allow recognition of the National Museum of World War II Aviation in Colorado Springs, Colorado, as America’s National World War II Aviation Museum.

The Senate bill contained no similar provision.

The House recedes.

*Battleship preservation grant program*

The House amendment contained a provision (sec. 2857) that would create a grant program for the Department of the Interior for

the preservation of United States' most historic battleships.

The Senate bill contained no similar provision.

The House recedes.

*Implementation of lesser prairie-chicken range-wide conservation plan and other conservation measures*

The House amendment contained a provision (sec. 2865) that would prohibit the Secretary of Interior from treating the Lesser Prairie Chicken as a threatened or endangered species under the Endangered Species Act of 1973 before December 31, 2022.

The Senate bill contained no similar provision.

The House recedes.

*Transfer of certain items of the Omar Bradley Foundation to the descendants of General Omar Bradley*

The House amendment contained a provision (sec. 2863) that would authorize the transfer of certain items of the Omar Bradley estate under the control of the Omar Bradley Foundation to the descendants of General Omar Bradley.

The Senate bill contained no similar provision.

The House recedes.

*Protection and recovery of Greater Sage Grouse*

The House amendment contained a provision (sec. 2864) would delay any finding by the Secretary of the Interior with respect to the Greater Sage Grouse under clause (i), (ii), or (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) through September 30, 2025. In an effort to foster greater coordination between the States and the Federal Government regarding management plans for the Greater Sage Grouse, this section would prohibit the Secretary of the Interior and the Secretary of Agriculture from amending any Federal resource management plan applicable to Federal lands in a State in which the Governor of the State has notified the Secretaries concerned that the State has a State management plan in place. Lastly, this section would also require the Secretary of the Interior and the Secretary of Agriculture to jointly submit an annual report to the Committee on Natural Resources of the House of Representatives through 2026 on the effectiveness of the systems to monitor the status of Greater Sage Grouse on Federal lands under their jurisdiction.

The Senate bill contained no similar provision.

The House recedes.

*Removal of endangered species status for American burying beetle*

The House amendment contained a provision (sec. 2866) would remove the endangered species status for the American Burying Beetle.

The Senate bill contained no similar provision.

The House recedes.

*Report on documentation for acquisition of certain properties along Columbia River, Washington, by Corps of Engineers*

The House amendment contained a provision (sec. 2867) that would require a report from the Secretary of the Army on the process by which the Corps of Engineers acquired certain properties along the Columbia River in Washington.

The Senate bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of the Army to provide a report to the congressional defense committees by March 1, 2017 on the process by which the Corps of Engineers acquired certain properties along the

Columbia River in Washington as described in paragraph (2) of section 501(i) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3752), and shall include in the report the specific legal documentation pursuant to which the properties were acquired.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**

*Authorized Navy construction and land acquisition projects (sec. 2901)*

The Senate bill contained a provision (sec. 2901) that would authorize Navy and Marine Corps military construction projects for fiscal year 2017 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained an identical provision (sec. 2901).

The conference agreement includes this provision.

*Authorized Air Force construction and land acquisition projects (sec. 2902)*

The Senate bill contained a provision (sec. 2902) that would authorize Air Force military construction projects for fiscal year 2017 for overseas contingency operations. The authorized amounts are listed on an installation-by-installation basis.

The House amendment contained an identical provision (sec. 2902).

The conference agreement includes this provision.

*Authorization of appropriations (sec. 2903)*

The Senate bill contained a provision (sec. 2903) that would authorize appropriations for military construction for the specified projects in the overseas contingency operations account for fiscal year 2017.

The House amendment contained a similar provision (sec. 2903).

The Senate recedes.

**TITLE XXX—UTAH TEST AND TRAINING RANGE AND RELATED MATTERS**

*Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range*

*Definitions (sec. 3001)*

The Senate bill contained a provision (sec. 2832) that would define the terms Exchange Map, Federal Land, Non-Federal Land, Secretary, and State.

The House amendment contained a similar provision (sec. 3001).

The House recedes with a technical edit.

*Memorandum of agreement (sec. 3002)*

The Senate bill contained a provision (sec. 2833) that would require the Secretary of the Air Force and the Secretary of the Interior to enter into a memorandum of agreement that authorizes the Secretary of the Air Force, in consultation with the Secretary of the Interior, to impose limited closures of specific Bureau of Land Management land for military operations and national security and public safety purposes at the Utah Test and Training Range.

The House amendment contained a similar provision (sec. 3011).

The House recedes with a technical edit.

*Temporary closures (sec. 3003)*

The Senate bill contained a provision (sec. 2834) that would allow the Secretary of the Air Force, in consultation with the Secretary of the Interior, to determine necessary temporary closures related to the military operations, public safety, or national security.

The House amendment contained a similar provision (sec. 3012).

The House recedes with a technical edit.

*Liability (sec. 3004)*

The Senate bill contained a provision (sec. 2835) that would hold harmless the United

States, including all departments, agencies, officers, and employees and not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized non defense-related activity conduction on BLM Land.

The House amendment contained an identical provision (sec. 3014).

The conference agreement includes this provision.

*Community resource advisory group (sec. 3005)*

The Senate bill contained a provision (sec. 2836) that would require the establishment of the Utah Test and Training Range Community Relations Advisory Group not later than 90 days after enactment of this Act.

The House amendment contained a similar provision (sec. 3013).

The House recedes with an amendment to change the termination period for the advisory group from 10 to 7 years, and authorize the group, acting jointly with Secretary of Interior, to elect to terminate the group earlier.

*Savings clauses (sec. 3006)*

The Senate bill contained a provision (sec. 2837) that would outline the limitations of this act on current agreements.

The House amendment contained a similar provision (sec. 3015).

The House recedes.

*Subtitle B—Bureau of Land Management Land Exchange with State of Utah*

*Definitions (sec. 3011)*

The Senate bill contained a provision (sec. 2841) that would provide for definitions for BLM Land, Secretary of the Interior, the State of Utah, and the Utah Test and Training Range.

The House amendment contained a similar provision (sec. 3022).

The House recedes with a technical edit.

*Exchange of Federal land and non-Federal land (sec. 3012)*

The Senate bill contained a provision (sec. 2842) that would outline the manner in which the exchange of federal land and non-federal land would take place.

The House amendment contained a similar provision (sec. 3023).

The House recedes.

*Status and management of non-Federal land acquired by the United States (sec. 3013)*

The Senate bill contained a provision (sec. 2843) that would stipulate the management of non-federal land acquired by the United States.

The House amendment contained a similar provision (sec. 3024).

The House recedes.

*Hazardous substances (sec. 3014)*

The Senate bill contained a provision (sec. 2844) that would stipulate the responsible party for any costs related to the cleanup of hazardous materials.

The House amendment contained a similar provision (sec. 3025).

The House recedes with a technical edit.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Short title*

The Senate bill contained a provision (sec. 2831) that would allow for the section to be cited as the "Utah Test and Training Range Encroachment Prevention and Temporary Closure Act."

The House amendment contained no similar provision.

The Senate recedes.

*Findings and purpose*

The House amendment contained a provision (sec. 3021) that would state the key findings and define the purpose for the Land Exchange of certain Federal land and non-Federal land between the United States and the State of Utah.

The Senate bill contained no similar provision.

The House recedes.

*Recognition and transfer of certain highway rights-of-way*

The House amendment contained a provision (sec. 3031) that would recognize the existence and validity of certain highway rights-of-way and authorize the Secretary with administrative jurisdiction to convey, without consideration, to certain counties and the State of Utah as joint tenants, easements for motorized travel rights-of-way across Federal land for all highways as shown and described in the official transportation maps, but excludes any class D road located within the boundaries of Cedar Mountain Wilderness Area or any wilderness study area designated in law or by administrative action in any of the counties.

The Senate bill contained no similar provision.

The House recedes.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

*National Nuclear Security Administration (sec. 3101)*

The Senate bill contained a provision (sec. 3101) that would authorize a total of \$12.9 billion for the Department of Energy in fiscal year 2017 for the National Nuclear Security Administration to carry out programs necessary to national security.

The House amendment contained a similar provision (sec. 3101) that would authorize appropriations for the National Nuclear Security Administration for fiscal year 2017 and would also authorize new plant projects for the National Nuclear Security Administration.

The Senate recedes.

The Department of Energy's (DOE) National Nuclear Security Administration (NNSA) is pursuing a revised strategy for its Chemistry and Metallurgy Research Replacement (CMRR) project after spending \$500.0 million on the design of the original project and cancelling the Nuclear Facility subproject in 2014. The revised project, which is now broken down into 4 subprojects, includes renovating two existing facilities, the RLUOB and the PF-4 facility, at NNSA's Los Alamos site and installing plutonium research equipment in those facilities to support NNSA's plutonium pit production and defense plutonium work in the near term. NNSA is also studying the possibility that, in the future, it may need to expand the capacity for plutonium chemistry and research beyond that provided by the 4 subprojects. In addition, NNSA is looking at a modular approach of constructing one or more identical buildings to support future plutonium pit manufacturing requirements beyond what can be currently produced in PF-4. In accordance with DOE Order 413.3B and the Secretary's guidance on project management, NNSA is currently conducting an analysis of alternatives for the proposed modular approach.

The conferees are pleased that NNSA has adopted a strategy that maximizes the space within existing facilities to the greatest extent practicable while continuing to examine options to support future work. However, while the conferees recognize the complexity and importance of the CMRR project and defense-related plutonium activities in general, the conferees remain concerned that NNSA has not adequately estimated the cost and schedule, nor properly specified project

requirements, for either the CMRR project or the proposed modular approach to ensure that the two projects together will provide the capabilities needed to support NNSA's plutonium strategy, including legislatively directed pit production levels.

To enable the conferees to monitor any future cost increases and schedule delays associated with these projects, the conferees direct NNSA to brief the congressional defense committees, no later than October 1, 2017, on the status of its actions taken to address the recommendations contained within a recent Government Accountability Office report numbered GAO-16-585 and titled "DOE Project Management: NNSA Needs to Clarify Requirements for Its Plutonium Analysis Project at Los Alamos". This briefing should be accompanied by a written briefing document.

This briefing should clarify the relationship between the requirements for the CMRR project and the proposed modular approach and NNSA's plutonium strategy. The briefing should identify any gaps between the capabilities these projects will deliver and the requirements of the plutonium strategy and provide information on NNSA plans to address any such gaps. The briefing should also address the degree to which these projects can provide plutonium capabilities to support other DOE activities outside of the Office of Defense Programs. Finally, the briefing should provide an update on the analysis of alternatives for the proposed modular approach, including the specific requirements identified, the analysis conducted for each alternative identified, and the proposed path forward, if known.

*Defense environmental cleanup (sec. 3102)*

The Senate bill contained a provision (sec. 3102) that would authorize appropriations for defense environmental cleanup activities for fiscal year 2017.

The House amendment contained a similar provision (sec. 3102).

The Senate recedes.

*Other defense activities (sec. 3103)*

The Senate bill contained a provision (sec. 3103) that would authorize appropriations for other defense activities for the Department of Energy for fiscal year 2017.

The House amendment contained an identical provision (sec. 3103).

The conference agreement includes this provision.

*Nuclear energy (sec. 3104)*

The Senate bill contained a provision (sec. 3104) that would authorize appropriations for certain nuclear energy programs for the Department of Energy for fiscal year 2017.

The House amendment contained an identical provision (sec. 3104).

The conference agreement includes this provision.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

*Independent acquisition project reviews of capital assets acquisition projects (sec. 3111)*

The House amendment contained a provision (sec. 3111) that would ensure that an independent entity conducts reviews of each capital asset acquisition project as the project moves toward the approval of each critical decision, 0, 1 and 2 in the acquisition process.

The Senate bill contained no similar provision.

The Senate recedes.

*Protection of certain nuclear facilities and assets from unmanned aircraft (sec. 3112)*

The House amendment contained a provision (sec. 3119C) that would authorize the Secretary of Energy to take actions that are necessary to mitigate the threat of an un-

manned aircraft system or unmanned aircraft that poses an imminent threat to the safety or security of a covered facility or asset that is identified by the Secretary of Energy, is located in the United States, and is owned by the United States, or contracted to the United States, to store or use special nuclear material.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary, notwithstanding title 18 of the United States Code, to take actions that are necessary to mitigate the threat (as defined by the Secretary of Energy, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset. The amendment would also clarify the actions that would be authorized.

*Common financial reporting system for the nuclear security enterprise (sec. 3113)*

The Senate Bill contained a provision (sec. 3111) that would require the Administrator of the National Nuclear Security Administration (NNSA) to complete implementation of a common financial system for the nuclear security enterprise no later than 3 years after the date of enactment of this Act.

The House amendment contained no similar provision. The House recedes with an amendment that would adjust the timeline for implementation to four years; require the Administrator to work in consultation with NNSA Council; clarify that implementation of a common system should be to the extent practicable; that such system should be for common financial reporting system rather than a common financial system; while leveraging CAPE where appropriate; and ensure the reports required on progress of implementation include discussion of benefits, costs and challenges related to implementation.

The conferees note that the intention of this provision is not to enforce a single financial accounting system upon the various management and operating contractors of the nuclear security enterprise. Instead, this provision seeks, to the extent practicable, commonality and consistency in the way the contractors report data up to NNSA to better enable NNSA to manage and track programs across the enterprise.

*Rough estimate of total life cycle cost of tank waste cleanup at Hanford Nuclear Reservation (sec. 3114)*

The Senate bill contained a provision (sec. 3121) that would require Department of Energy's Office of Environmental Management to provide a rough order-of-magnitude estimate of the total lifecycle cost of the Waste Treatment and Immobilization Plant (WTP) project and tank waste management and treatment operations.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical corrections to the life cycle cost estimation dates as well as changing life-cycle cost to a rough estimation of life cycle cost.

*Annual certification of shipments to Waste Isolation Pilot Plant (sec. 3115)*

The House amendment contained a provision (sec. 3119) that would require the Secretary of Energy to certify to the congressional defense committees that the covered contractors are aware of the contents of each container shipped to the Waste Isolation Pilot Plant and that the Administrator is aware of the contents of each container shipped to the Waste Isolation Pilot Plant.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make technical corrections. The conferees note that the certification includes the WIPP Waste Acceptance Criteria as well as pertinent regulatory requirements for transportation, which are consistent with Waste Isolation Pilot Plant Land Withdrawal Act, P.L. 102-579, as amended.

*Disposition of weapons-usable plutonium (sec. 3116)*

The Senate bill contained a provision (sec. 3114) that would require the Secretary of Energy to enter into an arrangement with the Chief of Engineers to act as an owner's agent for the Secretary with respect to the MOX facility. The Chief would assess the MOX facility contract and report to the Secretary on recommended contract changes to reduce risk and cost to the Department of Energy.

The House amendment contained a provision (sec. 3113) that would direct the Secretary of Energy to carry out construction and project support activities relating to the MOX facility. The Secretary would be able to waive this requirement if certain conditions are satisfied.

The House recedes with an amendment that makes certain technical and conforming amendments to the Senate provision and that directs the Secretary of Energy to carry out construction and project support activities relating to the MOX facility.

*Design basis threat (sec. 3117)*

The House amendment contained a provision (sec. 3114) that would require the Secretary of Energy to update Department of Energy Order 470.3 billion relating to the design basis threat for protecting nuclear weapons, special nuclear material, and other critical assets in the custody of the Department of Energy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the due date to 30 days after the date of enactment of this act.

*Industry best practices in operations at National Nuclear Security Administration facilities and sites (sec. 3118)*

The Senate bill contained a provision (sec. 3112) that would require the National Nuclear Security Administration to review how to implement industry best practices at its sites consistent with maintaining or reducing risks and preserving and protecting health, safety, and security.

The House amendment contained no similar provision.

The House recedes with an amendment that would include improving mission performance and effectiveness in the purposes of the committee established by this section; modify the termination date for the committee to 2021; and make other technical conforming changes. The conferees note that industry best practices may not always be applicable, especially in the case of high-hazard and nuclear operations, and do not intend any changes that would reduce or undermine health, safety or security at National Nuclear Security Administration sites.

*Pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development (sec. 3119)*

The Senate bill contained a provision (sec. 3115) that would remove the overhead burden on National Nuclear Security Administration (NNSA) laboratories for Laboratory Directed Research and Development (LDRD).

The House amendment contained a similar provision (sec. 3119B) that would express the Sense of Congress that the Secretary of Energy should ensure that each laboratory operating contractor or plant or site manager of a NNSA facility adopt generally accepted

and consistent accounting practices for laboratory, plant, or site directed research and development.

The House recedes with an amendment that would create a 3-year pilot program for the exemption of LDRD at national security laboratories from overhead changes and require the Administrator to submit a report to the congressional defense committees before the end of the pilot program that assesses the costs, benefits, risks, and other effects of the pilot program.

*Research and development of advanced naval nuclear fuel system based on low-enriched uranium (sec. 3120)*

The House amendment contained a provision (sec. 3112) that would prohibit authorized funds to be appropriated for the Department of Energy to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that makes technical and conforming changes.

*Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy (sec. 3121)*

The Senate bill contained a provision (sec. 3116) that would update older statutory ceilings for construction design that require authorization.

The House amendment contained no similar provision.

The House recedes.

*Prohibition on availability of funds for programs in Russian Federation (sec. 3122)*

The House amendment contained a provision (sec. 3115) that would prohibit funding to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would adjust the Secretary of Energy waiver for urgent circumstances and include an exception for not more than \$3.0 million that may be spent on the Department of Energy's Russian Health Study Program.

*Limitation on availability of funds for Federal salaries and expenses (sec. 3123)*

The House amendment contained a provision (sec. 3116) that would require not more than 90 percent of the National Nuclear Security Administration defense related Federal salaries may be obligated or expended until the date on which the Secretary of Energy submits to the congressional defense committees and the congressional intelligence committees an updated plan on the designing and building of prototypes of nuclear weapons, and a description of the determination of the Secretary with respect to the manner in which the designing and building of prototypes of nuclear weapons is carried out under such an updated plan.

The Senate bill contained no similar provision.

The Senate recedes with an amendment containing technical conforming changes as well as clarifying the definition of congressional intelligence committees.

*Limitation on availability of funds for defense environmental cleanup program direction (sec. 3124)*

The House amendment contained a provision (sec. 3117) that would require no more than 90 percent of funds authorized to be appropriated for defense environmental cleanup for program direction may be expended until the Secretary of Energy submits to Congress the future-years defense environmental cleanup plan.

The Senate bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for acceleration of nuclear weapons dismantlement (sec. 3125)*

The Senate bill contained a provision (sec. 3113) that would limit the rate at which the National Nuclear Security Agency is authorized to dismantle weapons to the schedule and funding profile put forth in the fiscal year 2016 stockpile stewardship and management plan but which provided for an exception if the budget request included a certain amount of funding for nuclear weapons modernization.

The House amendment contained a similar provision (sec. 3118) that would limit funding to be obligated or expended in fiscal years 2017 to 2021 to carry out the nuclear weapons dismantlement and disposition activities of the National Nuclear Security Administration.

The Senate recedes with an amendment that would strike the prohibition on the dismantlement of the W84 warhead.

Subtitle C—Plans and Reports

*Independent assessment of technology development under defense environmental cleanup program (sec. 3131)*

The House amendment contained a provision (sec. 3124) that would require the Secretary of Energy, in association with the National Academy of Sciences, to conduct an independent assessment of the technology development efforts of the defense environmental cleanup program at the Department of Energy.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the due date of the assessment to 18 months after the date of enactment.

*Updated plan for verification and monitoring of proliferation of nuclear weapons and fissile material (sec. 3132)*

The House amendment contained a provision (sec. 3125) that would require the President to submit to the appropriate congressional committees, a comprehensive and detailed update to the plan developed under section 3133(a) of the Carl Levin and Howard P. "Buck" McKeon national Defense Authorization Act for Fiscal Year 2015.

The Senate bill contained no similar provision.

The Senate recedes.

*Report on the use of highly-enriched uranium for naval reactors (sec. 3133)*

The House amendment contained a provision (sec. 3126) that would require the Secretary of Defense, the Secretary of Energy, and the Secretary of State to provide a briefing to the appropriate congressional committees on the feasibility and potential benefits of a dialogue between the United States and France on the use of low-enriched uranium in naval reactors.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require a report by the Director of National Intelligence on various matters related to the impact of using low-enriched uranium in naval reactor fuel. The conferees do not intend this provision to indicate concurrence with all aspects of the proposal contained in the Naval Reactors report dated July 2016, and do not intend to indicate a presumption of whether or how such a program should be implemented. In addition, the conferees note that the Secretary of the Navy and the Secretary of Energy have not yet submitted to the defense committees

their determination as to whether the United States should continue to pursue such a program.

*Analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation (sec. 3134)*

The Senate bill contained a provision (sec. 3122) that would require the Secretary of Energy to enter into an agreement with a federally funded research and development center (FFRDC) to conduct an analysis of supplemental waste treatment options at the Hanford site.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the review of the National Academies of Science, Engineering, and Medicine to provide an opportunity for public comment, with sufficient notice, to inform and improve the quality of the review. In addition, the briefings on progress to be made to the congressional defense committees every 180 days shall terminate upon submission of the materials required in subsection (f) paragraph (2). The National Academies shall provide to the State of Washington both the analysis and the review in draft form, with an opportunity to comment on them for a period of not less than 60 days, and comments of the State of Washington shall be included in the Secretary's submission to the congressional defense committees of the analysis, review, and Secretary's comments. This section shall not conflict with or impair the obligation of the Secretary to comply with the amended consent decree in *Washington v. Moniz*, No. 2:08-CV-5085-RMP (E.D. Wash.) or the Hanford Federal Facility Agreement and Consent Order, nor shall this section conflict with or impair the regulatory authority of the State of Washington under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any corresponding State law. The amendment removes the requirement of a specific analytical approach. However, the conferees note that section 3161 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) directs the use of national international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exist, while maintaining adequate health and safety protection, at facilities of the Office of Environmental Management of the Department of Energy. The conferees therefore expect that, to the extent practicable and appropriate, the analysis shall be conducted using state-of-the-art risk assessment practices such as probabilistic risk assessment.

*Clarification of annual report and certification on status of security of atomic energy defense facilities (sec. 3135)*

The House amendment contained a provision (sec. 3121) that would clarify Section 4506(b)(1)(B) of the Atomic Energy Defense Act that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.

The Senate bill contained no similar provision.

The Senate recedes.

*Report on service support contracts and authority for appointment of certain personnel (sec. 3136)*

The House amendment contained a provision (sec. 3122) that would add to the annual reporting requirements, the cost of the contract and identification of the program or program direction accounts that support the contract.

The Senate bill contained no similar provision.

The Senate recedes with an amendment extending Section 4601(c) of the Atomic Energy

Defense Act (50 U.S.C.(c)(1)) from September 30, 2016 to September 30, 2020.

*Elimination of certain reporting requirements (sec. 3137)*

The Senate bill contained a provision (sec. 3125 and 3124) that would repeal a reporting requirement by the Comptroller General as the underlying program has been terminated and eliminate duplicate reviews of the National Nuclear Security Administration's budget.

The House amendment contained a similar provision (sec. 3123).

The House recedes with an amendment that would combine the repeals described in Senate bill sections 3124 and 3125 with the House amendment section 3123; add a subsection (d) that would modify the requirement for a briefing on additive manufacturing technologies contained in section 3139(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and make certain technical and conforming changes.

*Report on United States nuclear deterrence (sec. 3138)*

The House amendment contained a provision (sec. 3119A) that would limit funds for the Department of Energy and require the Secretary of Energy to submit to the appropriate congressional committees the report entitled "U.S. Nuclear Deterrence in the Coming Decades" no later than 15 days after the date of enactment.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would drop the fence on funding and add that the Secretary may state his views in the cover letter to the report.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Analyses of options for disposal of high-level radioactive waste*

The Senate bill contained a provision (sec. 3123) that would require the Secretary of Energy to enter into an arrangement with a federally funded research and development center to conduct analyses of options referenced in the Department's October 2014 report. These analyses shall include comprehensive system life cycle cost and schedule estimates conducted using Government Accountability Office (GAO) best practices and covering all phases of work, from site selection and characterization to site closure and monitoring.

The House amendment contained no similar provision.

The Senate recedes, the provision was not adopted.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

*Authorization (sec. 3201)*

The Senate bill contained a provision (sec. 3201) that would authorize funding for the Defense Facilities Nuclear Safety Board at \$31.0 million consistent with the budget request.

The House amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

TITLE XXXIII—FEDERAL AVIATION ADMINISTRATION THIRD CLASS MEDICAL REFORM AND GENERAL AVIATION PILOT PROTECTIONS

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Pilot's Bill of Rights 2*

The Senate bill contained a series of provisions (sec. 3301, 3302, 3303, 3304, 3305, 3306, and 3307) that would establish Federal Aviation Administration third class medical reform and general aviation pilot protections, "The Pilots Bill of Rights 2".

The House amendment contained no similar provisions.

The Senate recedes on these provisions.

TITLE XXXIV—NAVAL PETROLEUM RESERVES  
*Authorization of appropriations (sec. 3401)*

The House amendment contained a provision (sec. 3401) that would authorize \$14,950,000 for fiscal year 2017 for operation and maintenance of the Naval Petroleum Reserves.

The Senate bill contained no similar provision.

The Senate recedes.

#### TITLE XXXV—MARITIME MATTERS

SUBTITLE A—MARITIME ADMINISTRATION, COAST GUARD, AND SHIPPING MATTERS  
*Authorization of the Maritime Administration (sec. 3501)*

The House amendment contained a provision (sec. 3501) that would authorize appropriations for the national security aspects of the merchant marine for fiscal year 2017.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 101).

The Senate recedes with an amendment that would include greater specificity within program authorizations and authorize funding for the National Security Multi-Mission Vessel.

*Authority to extend certain age restrictions relating to vessels in the Maritime Security Fleet (sec. 3502)*

The House amendment contained a provision (sec. 3503) that would amend section 53102 of title 46, United States Code, to provide authority to the Secretary of Defense, in conjunction with the Secretary of Transportation, to extend the age restriction for vessels in the Maritime Security Fleet by five years if the Secretaries jointly determine it is in the national interest to do so.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 304).

The Senate recedes.

*Corrections to provisions enacted by Coast Guard Authorization Acts (sec. 3503)*

The House amendment contained a provision (sec. 3504) that would make technical and conforming corrections to provisions of the Coast Guard Authorization Act of 2015 (Public Law 114-120).

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 503).

The Senate recedes with a technical amendment.

*Status of National Defense Reserve Fleet vessels (sec. 3504)*

The House amendment contained a provision (sec. 3505) that would clarify that National Defense Reserve Fleet (NDRF) vessels, including the U.S. Maritime Administration's training vessels, are public vessels of the United States. This provision would also clarify that a NDRF vessel remains a "vessel" within the meaning of section 3 of title 1, United States Code, until it is delivered to a dismantling facility.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a similar provision (sec. 301).

The Senate recedes.

*NDRF National Security Multi-Mission Vessel (sec. 3505)*

The House amendment contained a provision (sec. 3506) that would authorize the Maritime Administrator to enter into a contract for a National Security Multi-Mission Vessel. The provision would also require the Maritime Administrator to enter into a contract or agreement with the Secretary of the

Navy under which the Navy would serve as the general agent for the Maritime Administration for the purposes of the construction of the ship.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Transportation, in consultation with the Chief of Naval Operations and the Commandant of the Coast Guard, to ensure the Maritime Administrator has completed the design of the National Security Multi-Mission Vessel that will allow for the start of construction in fiscal year 2018. The amendment would also require the Maritime Administrator to provide for an entity other than the Maritime Administration to contract for the construction of the vessel. The conferees believe that the Maritime Administrator should leverage the ship construction expertise of the Department of the Navy, the Coast Guard or a commercial operator when contracting for the construction of the vessel.

The conferees direct the Maritime Administrator to submit to the Committees on Armed Services of the House and Senate, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House the acquisition strategy for the National Security Multi-Mission Vessel concurrent with the budget submission in which the request for construction funding is included. This acquisition strategy shall address each of the elements described in paragraphs 6.a(1) through 6.a(4) of enclosure 2 to Department of Defense Instruction 5000.02.

*Supintendent of United States Merchant Marine Academy (sec. 3506)*

The House amendment contained a provision (sec. 3507) that would require the Secretary of Transportation to appoint as Superintendent of U.S. Merchant Marine Academy an individual from the senior ranks of the United States merchant marine, maritime industry, or from the retired list of flag-rank Navy or Coast Guard officers who possess significant merchant marine experience.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The Senate recedes with amendment that would also allow the appointment of an individual who has served at sea and who has achieved general officer rank in other branches of the Armed Forces or has exemplary educational leadership experience. It also would allow for the selection of the best qualified candidate that may not fully meet all criteria defined in this provision.

*Use of National Defense Reserve Fleet scrapping proceeds (sec. 3507)*

The House amendment contained a provision (sec. 3508) that would increase the apportionment of National Defense Reserve Fleet (NDRF) scrapping proceeds to the National Maritime Heritage Grant Program.

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 308) that would require the U.S. Maritime Administration to submit an annual report to Congress on the management of NDRF scrapping proceeds and the National Heritage Grant Program and conduct a biennial assessment of the vessel disposal program.

The Senate recedes with an amendment that would combine the House and Senate provisions, better align reporting requirements with agency responsibilities, and reserve a portion of the National Maritime Grant Program apportionment for the U.S. Maritime Administration.

*Floating dry docks (sec. 3508)*

The House amendment contained a provision (sec. 3509) that would amend section 55122 of title 46, United States Code, to exempt certain floating dry docks from limitations imposed by such section 55122.

The Senate bill contained a similar provision (sec. 3502).

The Senate recedes with a technical amendment.

*Transportation worker identification credentials for individuals undergoing separation, discharge, or release from the Armed Forces (sec. 3509)*

The Senate bill contained a provision (sec. 564) that would require the Secretary of Defense to consult, and enter into a memorandum of understanding, with the Secretary of Homeland Security to afford a priority in the processing of applications for Transportation Worker Identification Credentials (TWIC) by members of the Armed Forces who are undergoing separation, discharge or release from the Armed Forces. The provision would require adjudication of such applications not later than 14 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required. The priority for separating servicemembers shall commence not later than 180 days after enactment of this Act. The provision also requires a report on the implementation of this provision one year after enactment of this Act.

The House amendment contained a provision (sec. 3510) that would amend section 70105 of title 46, United States Code, to require the Secretary of Homeland Security to provide priority processing of applications from, and to issue TWIC for members of the Armed Forces who are undergoing separation, discharge or release from the Armed Forces. The provision would require adjudication of such applications by such transitioning members of the Armed Forces not later than 13 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required.

The Senate recedes with an amendment that would require adjudication of applications not later than 30 days after the application is submitted, unless an appeal or waiver applies, or if other documentation is required. The processing deadline would apply to applications for TWIC submitted after the end of the 180 day period beginning on the date of enactment of this Act. The amendment requires the Secretary of Homeland Defense and the Secretary of Defense to enter into a memorandum of understanding within 180 days after the date of enactment of this Act regarding the submission and processing of applications for TWIC by transitioning service members. The amendment also requires a report on the implementation of this provision one year after enactment of this Act.

*Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy (sec. 3510)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 201) that would set minimum training requirements and comprehensive policies for sexual harassment and sexual assault prevention and response at the United States Merchant Marine Academy. The provision would also expand existing requirements for an annual assessment of sexual assault and harassment policies to include a biennial focus group.

The House amendment contained no similar provision.

The House recedes with an amendment that would add confidentiality procedures to the comprehensive policy requirement.

*Sexual assault response coordinators and sexual assault victim advocates (sec. 3511)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 202) that would require the U.S. Merchant Marine Academy to employ or contract with at least one full-time sexual assault response coordinator, maintain a program for volunteer sexual assault victim advocates, and maintain a 24-hour hotline through which a victim of a sexual assault can receive victim support services.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify a victim's discretion in selecting a victim advocate and make a conforming change concerning confidentiality requirements.

*Report from the Department of Transportation Inspector General (sec. 3512)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 203) that would require the Department of Transportation Inspector General to submit a report to Congress that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the U.S. Merchant Marine Academy.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Sexual assault prevention and response working group (sec. 3513)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 204) that would require the Maritime Administrator to convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a cadet's Sea Year experience with the U.S. Merchant Marine Academy. This provision would require the working group to submit a report containing actionable recommendations to Congress.

The House amendment contained no similar provision.

The House recedes with amendment that would make technical changes and would separate as a new section a requirement that the Maritime Administrator establish certain criteria for vessel operators to participate in U.S. Merchant Marine Academy Sea Year program.

*Sea Year compliance (sec. 3514)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 204) that would require the Maritime Administrator to convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a cadet's Sea Year experience with the U.S. Merchant Marine Academy. This provision would require the working group to submit a report containing actionable recommendations to Congress.

The House amendment contained no similar provision.

The House recedes with an amendment that would create a new section to require that the Maritime Administrator establish certain criteria for vessel operators to participate in U.S. Merchant Marine Academy Sea Year program. This provision is the new section.

*State maritime academy physical standards and reporting (sec. 3515)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year

2017 (S.2829) contained a provision (sec. 303) that would require any individual enrolled at a State maritime academy in a merchant marine officer program to meet, throughout enrollment at the academy, the medical and physical requirements required to obtain a mariner's license or merchant mariner documentation.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Appointments (sec. 3516)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 305) that would increase from 40 to 50 the number of potential appointments to the U.S. Merchant Marine Academy for individuals the Secretary considers to be of special value, including factors such as prior military experience and whether the individual is the first in their family to attend college.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*Maritime workforce working group (sec. 3517)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 307) that would require the Secretary of Transportation to convene a working group to assess the pool of citizen mariners necessary to support the United States flag fleet, especially in times of emergency, and report to Congress on the assessment and recommendations for improving the quality of interagency data.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient, add the U.S. Navy to the working group, and add a sunset clause.

*Maritime extreme weather task force (sec. 3518)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 309) that would require the Secretary of Transportation to create an extreme weather task force to analyze the impact of extreme weather events on the maritime environment and to report to Congress on best practices and recommendations.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the Federal Maritime Commission from the task force and remove the authorization of appropriations.

*Workforce plans and onboarding policies (sec. 3519)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 401) that would require the Maritime Administrator to review and update the U.S. Maritime Administration's workforce and onboarding policies to fully implement competency models for mission-critical occupations, align training programs and systems, and report to Congress on actions taken.

The House amendment contained no similar provision.

The House recedes with amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

*Drug and alcohol policy (sec. 3520)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 402) that would require the Maritime Adminis-

trator to ensure that all fleet managers have received applicable training on the Department of Transportation's drug and alcohol policy, institute a system for tracking all drug and alcohol policy training in a standardized repository, and report to Congress on actions taken.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

*Vessel transfers (sec. 3521)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 403) that would require the Maritime Administrator to submit a report to Congress that describes the policies and procedures for vessel transfer at the U.S. Maritime Administration, including updated Vessel Transfer Office procedures to process vessel transfer applications.

The House amendment contained no similar provision.

The House recedes with an amendment that would add the Committee on Armed Services of the House of Representatives as a report recipient.

*Clarifying amendment; continuation boards (sec. 3522)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 501) that would make a clarifying amendment concerning the continuation board convened for the U.S. Coast Guard.

The House amendment contained no similar provision.

The House recedes.

*Polar icebreaker recapitalization plan (sec. 3523)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 603) that would require the Secretary of Homeland Security, in consultation with the Secretary of the Navy, to submit to Congress a detailed recapitalization plan that meets the 2013 Department of Homeland Security Mission Need Statement.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

*GAO report on icebreaking capability in the United States (sec. 3524)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 604) that would require the Comptroller General to submit a report to Congress on the current state of the United States Federal icebreaking fleet, including analysis of the icebreaking assets and gaps in icebreaking capabilities.

The House amendment contained no similar provision.

The House recedes with amendment that would define the appropriate report recipients and would clarify the applicability of the report to all icebreaking assets.

Subtitle B—Pribilof Islands Transition Completion

*Pribilof Islands Transition Completion (secs. 3531–3533)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 504) that would require the U.S. Coast Guard to report to Congress on the Coast Guard's use of certain tracts of land on St. Paul Island, planned use of those tracts of land, and planned use of other facilities on St. Paul Island.

The House amendment contained no similar provision.

The House recedes with an amendment that would make changes to Coast Guard access to certain specified tracts of land.

Subtitle C—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

*Actions to address sexual harassment at National Oceanic and Atmospheric Administration (sec. 3541)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 711) that would require the Secretary of Commerce to develop a policy on the prevention and response to sexual harassment involving NOAA employees, NOAA Corps members, and all individuals who work with or conduct business on behalf of the Administration. The Administration would also be required to create a process for after-hours reporting and ensure that Equal Employment Opportunity personnel are distributed in each region of operations and at the marine and aviation centers.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the number of personnel required to implement this section.

*Actions to address sexual assault at National Oceanic and Atmospheric Administration (sec. 3542)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 712) that would require the Secretary of Commerce to develop a policy on the prevention and response to sexual assault involving NOAA employees, NOAA Corps members, and all individuals who work with or conduct business on behalf of the Administration (wage mariners, scientists, students, interns, volunteers, etc.). The Secretary would be required to establish victim advocates and create a process for 24-hour reporting.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the number of personnel required to implement this section.

*Rights of the victim of a sexual assault (sec. 3543)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 713) that would provide the victim of a sexual assault the right to be reasonably protected from the accused.

The House amendment contained no similar provision.

The House recedes.

*Change of station (sec. 3544)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 714) that would require timely consideration of a unit transfer or work location change to accommodate the victim of a sexual assault.

The House amendment contained no similar provision.

The House recedes.

*Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract (sec. 3545)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 715) that would require any contract into which the NOAA enters for use of a vessel (ship, small boat, aircraft) to include as a condition that any personnel attached to the vessel are subject to the policies developed under section 711(a) and 712(a) of S.2829.

The House amendment contained no similar provision.

The House recedes.

*Annual report on sexual assaults in the National Oceanic and Atmospheric Administration (sec. 3546)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 716) that would require the Secretary of Commerce to submit an annual report to Congress that includes the number of sexual assaults, a synopsis of each case, and the disciplinary actions taken.

The House amendment contained no similar provision.

The House recedes.

*Sexual assault defined (sec. 3547)*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 717) that would define the term “sexual assault”.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Short title*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 1) that would allow the bill to be cited as the “Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017.”

The House amendment contained no similar provision.

The Senate recedes.

*Maritime Administration authorization request*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 102) that would require the U.S. Maritime Administration to submit an authorization request to Congress within 30 days of the date the President’s budget is submitted to Congress.

The House amendment contained no similar provision.

The Senate recedes.

*Port infrastructure development*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 302) that would allow the Maritime Administrator to use not more than three percent of port infrastructure development program funds for administrative expenses of the program.

The House amendment contained no similar provision.

The Senate recedes.

*High-speed craft classification services*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 306) that would allow the Secretary of the Navy to select, under certain conditions, a classification society recognized and authorized by

the Secretary to provide a classification for high-speed craft.

The House amendment contained no similar provision.

The Senate recedes.

*Short title*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 601) that would allow the title to be cited as the “Polar Icebreaker Fleet Recapitalization Transparency Act.”

The House amendment contained no similar provision.

The Senate recedes.

*Definitions*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 602) that would define certain terms in the “Polar Icebreaker Fleet Recapitalization Transparency Act.”

The House amendment contained no similar provision.

The Senate recedes.

*Short title*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 701) that would allow the title to be cited as the “National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act”.

The House amendment contained no similar provision.

The Senate recedes.

*Reauthorization of Hydrographic Services Improvement Act of 1998*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a provision (sec. 771) that would reauthorize the Hydrographic Services Improvement Act of 1998.

The House amendment contained no similar provision.

The Senate recedes.

*Maritime Administration*

The Senate bill contained a provision (sec. 3501) that would re-authorize certain aspects of the Maritime Administration.

The House amendment contained no similar provision.

The Senate recedes.

*Authority to make pro rata annual payments under operating agreements for vessels participating in Maritime Security Fleet*

The House amendment contained a provision (sec. 3502) that would amend subsection (d) of section 53106 of title 46, United States Code, to permit the Secretary of Transportation to make a pro rata reduction in the amounts paid to vessel owners or operators under operating agreements under chapter 531 of that title if appropriations are insufficient to make full payment of the amounts authorized and agreed to under subsection (a) of section 53106.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The House recedes.

*Application of law*

The House amendment contained a provision (sec. 3512) that would amend section 4301 of title 46, United States Code, to deem, for the purposes of any Federal law except the Federal Water Pollution Control Act, any vessel being repaired or dismantled as a recreational vessel if that vessel shares elements of design and construction of traditional recreational vessels and, when operating, is not normally engaged in a military, commercial, or traditionally commercial undertaking.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provision.

The House recedes.

*Commissioned officer corps of the National Oceanic and Atmospheric Administration*

The Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained a subtitle (subtitle B of title VII) that would provide authorities for the commissioned officer corps of the National Oceanic and Atmospheric Administration.

The House amendment contained no similar provisions.

The Senate recedes.

*Ballast water*

The House amendment contained a title (title XXXVI) that would enact the Vessel Incident Discharge Act.

The Senate bill and Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017 (S.2829) contained no similar provisions.

The House recedes.

DIVISION D—FUNDING TABLES

*Authorization of amounts in funding tables (sec. 4001)*

The Senate bill contained a provision (sec. 4001) that would provide for the allocation of funds among programs, projects, and activities in accordance with the tables in division D of this Act, subject to reprogramming in accordance with established procedures.

Consistent with the previously expressed views of the committee, the provision would also require that decisions by an agency head to commit, obligate, or expend funds to a specific entity on the basis of such funding tables be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

The House amendment contained a similar provision (sec. 4001).

The Senate recedes.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
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DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE

National Defense Funding, Base Budget Request

Function 051, Department of Defense-Military

## SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
<b>Title I—Procurement</b>			
Aircraft Procurement, Army .....	3,614,787		3,614,787
Missile Procurement, Army .....	1,519,966	-9,837	1,510,129
Weapons & Tracked Combat Vehicles, Army .....	2,265,177	85,900	2,351,077
Procurement of Ammunition, Army .....	1,513,157	1,646	1,514,803
Other Procurement, Army .....	5,873,949	-38,285	5,835,664
Aircraft Procurement, Navy .....	14,109,148	-157,372	13,951,776
Weapons Procurement, Navy .....	3,209,262	-21,772	3,187,490
Procurement of Ammunition, Navy & Marine Corps .....	664,368	-7,100	657,268
Shipbuilding & Conversion, Navy .....	18,354,874	525,696	18,880,570
Other Procurement, Navy .....	6,338,861	-79,931	6,258,930
Procurement, Marine Corps .....	1,362,769	-4,325	1,358,444
Aircraft Procurement, Air Force .....	13,922,917	-87,300	13,835,617
Missile Procurement, Air Force .....	2,426,621	-10,752	2,415,869
Space Procurement, Air Force .....	3,055,743	-229,900	2,825,843
Procurement of Ammunition, Air Force .....	1,677,719	-6,000	1,671,719
Other Procurement, Air Force .....	17,438,056	-15,300	17,422,756
Procurement, Defense-Wide .....	4,524,918	355,000	4,879,918
Joint Urgent Operational Needs Fund .....	99,300	-99,300	0
National Guard & Reserve Equipment .....		250,000	250,000
<b>Subtotal, Title I—Procurement .....</b>	<b>101,971,592</b>	<b>451,068</b>	<b>102,422,660</b>
<b>Title II—Research, Development, Test and Evaluation</b>			
Research, Development, Test & Evaluation, Army .....	7,515,399	13,291	7,528,690
Research, Development, Test & Evaluation, Navy .....	17,276,301	-197,638	17,078,663
Research, Development, Test & Evaluation, Air Force .....	28,112,251	-54,650	28,057,601
Research, Development, Test & Evaluation, Defense-Wide .....	18,308,826	-42,150	18,266,676
Operational Test & Evaluation, Defense .....	178,994		178,994
<b>Subtotal, Title II—Research, Development, Test and Evaluation .....</b>	<b>71,391,771</b>	<b>-281,147</b>	<b>71,110,624</b>
<b>Title III—Operation and Maintenance</b>			
Operation & Maintenance, Army .....	33,809,040	23,234	33,832,274
Operation & Maintenance, Army Reserve .....	2,712,331	21,500	2,733,831
Operation & Maintenance, Army National Guard .....	6,825,370	27,635	6,853,005
Operation & Maintenance, Navy .....	39,483,581	507,700	39,991,281
Operation & Maintenance, Marine Corps .....	5,954,258	185,350	6,139,608
Operation & Maintenance, Navy Reserve .....	927,656	-21,200	906,456
Operation & Maintenance, Marine Corps Reserve .....	270,633	-100	270,533
Operation & Maintenance, Air Force .....	37,518,056	-180,400	37,337,656
Operation & Maintenance, Air Force Reserve .....	3,067,929	-57,000	3,010,929
Operation & Maintenance, Air National Guard .....	6,703,578	-69,400	6,634,178
Operation & Maintenance, Defense-Wide .....	32,571,590	115,089	32,686,679
US Court of Appeals for the Armed Forces, Defense .....	14,194		14,194
Overseas Humanitarian, Disaster and Civic Aid .....	105,125		105,125
Cooperative Threat Reduction .....	325,604		325,604
Environmental Restoration, Army .....	170,167		170,167
Environmental Restoration, Navy .....	281,762		281,762
Environmental Restoration, Air Force .....	371,521		371,521
Environmental Restoration, Defense .....	9,009		9,009
Environmental Restoration, Formerly Used Sites .....	197,084		197,084
<b>Subtotal, Title III—Operation and Maintenance .....</b>	<b>171,318,488</b>	<b>552,408</b>	<b>171,870,896</b>
<b>Title IV—Military Personnel</b>			
Military Personnel Appropriations .....	128,902,332	-699,768	128,202,564
Medicare-Eligible Retiree Health Fund Contributions .....	6,366,908		6,366,908
<b>Subtotal, Title IV—Military Personnel .....</b>	<b>135,269,240</b>	<b>-699,768</b>	<b>134,569,472</b>
<b>Title XIV—Other Authorizations</b>			

## SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Working Capital Fund, Army .....	56,469		56,469
Working Capital Fund, Air Force .....	63,967		63,967
Working Capital Fund, Defense-Wide .....	37,132		37,132
Working Capital Fund, DECA .....	1,214,045		1,214,045
Chemical Agents & Munitions Destruction .....	551,023		551,023
Drug Interdiction and Counter Drug Activities .....	844,800	-125,000	719,800
Office of the Inspector General .....	322,035		322,035
Defense Health Program .....	33,467,516	-373,600	33,093,916
<b>Subtotal, Title XIV—Other Authorizations .....</b>	<b>36,556,987</b>	<b>-498,600</b>	<b>36,058,387</b>
<b>Total, Division A: Department of Defense Authorizations .....</b>	<b>516,508,078</b>	<b>-476,039</b>	<b>516,032,039</b>
<b>Division B: Military Construction Authorizations</b>			
<b>Military Construction</b>			
Army .....	503,459	50,500	553,959
Navy .....	1,027,763	247,916	1,275,679
Air Force .....	1,481,058	205,465	1,686,523
Defense-Wide .....	2,056,091	-30,647	2,025,444
NATO Security Investment Program .....	177,932		177,932
Army National Guard .....	232,930	67,500	300,430
Army Reserve .....	68,230	30,000	98,230
Navy and Marine Corps Reserve .....	38,597		38,597
Air National Guard .....	143,957	11,000	154,957
Air Force Reserve .....	188,950		188,950
<b>Subtotal, Military Construction .....</b>	<b>5,918,967</b>	<b>581,734</b>	<b>6,500,701</b>
<b>Family Housing</b>			
Construction, Army .....	200,735	-43,563	157,172
Operation & Maintenance, Army .....	325,995		325,995
Construction, Navy and Marine Corps .....	94,011		94,011
Operation & Maintenance, Navy and Marine Corps .....	300,915		300,915
Construction, Air Force .....	61,352		61,352
Operation & Maintenance, Air Force .....	274,429		274,429
Operation & Maintenance, Defense-Wide .....	59,157		59,157
Improvement Fund .....	3,258		3,258
<b>Subtotal, Family Housing .....</b>	<b>1,319,852</b>	<b>-43,563</b>	<b>1,276,289</b>
<b>Base Realignment and Closure</b>			
Base Realignment and Closure—Army .....	14,499	10,000	24,499
Base Realignment and Closure—Navy .....	134,373	25,000	159,373
Base Realignment and Closure—Air Force .....	56,365		56,365
<b>Subtotal, Base Realignment and Closure .....</b>	<b>205,237</b>	<b>35,000</b>	<b>240,237</b>
<b>Undistributed Adjustments</b>			
Prior Year Savings .....	0	-307,662	-307,662
<b>Subtotal, Undistributed Adjustments .....</b>	<b>0</b>	<b>-307,662</b>	<b>-307,662</b>
<b>Total, Division B: Military Construction Authorizations .....</b>	<b>7,444,056</b>	<b>265,509</b>	<b>7,709,565</b>
<b>Total, 051, Department of Defense-Military .....</b>	<b>523,952,134</b>	<b>-210,530</b>	<b>523,741,604</b>
<b>Division C: Department of Energy National Security Authorization and Other Authorizations</b>			
<b>Function 053, Atomic Energy Defense Activities</b>			
<b>Environmental and Other Defense Activities</b>			
Nuclear Energy .....	151,876	-15,260	136,616
Weapons Activities .....	9,243,147	185,882	9,429,029

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Defense Nuclear Nonproliferation .....	1,807,916	79,000	1,886,916
Naval Reactors .....	1,420,120	-2,500	1,417,620
Federal salaries and expenses .....	412,817	-17,300	395,517
Defense Environmental Cleanup .....	5,382,050	-108,492	5,273,558
Other Defense Activities .....	791,552	-2,000	789,552
<b>Subtotal, Environmental and Other Defense Activities .....</b>	<b>19,209,478</b>	<b>119,330</b>	<b>19,328,808</b>
<b>Independent Federal Agency Authorization</b>			
Defense Nuclear Facilities Safety Board .....	31,000		31,000
<b>Subtotal, Independent Federal Agency Authorization .....</b>	<b>31,000</b>	<b>0</b>	<b>31,000</b>
<b>Subtotal, 053, Atomic Energy Defense Activities .....</b>	<b>19,240,478</b>	<b>119,330</b>	<b>19,359,808</b>
<b>Function 054, Defense-Related Activities</b>			
<b>Other Agency Authorizations</b>			
Maritime Security Program .....	211,000	88,997	299,997
<b>Subtotal, Independent Federal Agency Authorization .....</b>	<b>211,000</b>	<b>88,997</b>	<b>299,997</b>
<b>Subtotal, 054, Defense-Related Activities .....</b>	<b>211,000</b>	<b>88,997</b>	<b>299,997</b>
<b>Subtotal, Division C: Department of Energy National Security Authorization and Other Authorizations .....</b>	<b>19,451,478</b>	<b>208,327</b>	<b>19,659,805</b>
<b>Total, National Defense Funding, Base Budget Request .....</b>	<b>543,403,612</b>	<b>-2,203</b>	<b>543,401,409</b>

## National Defense Funding, Overseas Contingency Operations

## National Defense Funding, Overseas Contingency Operations Budget Request

## Function 051, Department of Defense-Military

## Procurement

Aircraft Procurement, Army .....	235,131		235,131
Missile Procurement, Army .....	529,317		529,317
Weapons & Tracked Combat Vehicles, Army .....	153,544	144,800	298,344
Procurement of Ammunition, Army .....	301,523		301,523
Other Procurement, Army .....	1,309,610		1,309,610
Joint Improvised-Threat Defeat Fund .....	394,800		394,800
Aircraft Procurement, Navy .....	358,830		358,830
Weapons Procurement, Navy .....	8,600		8,600
Procurement of Ammunition, Navy & Marine Corps .....	66,229		66,229
Other Procurement, Navy .....	69,877		69,877
Procurement, Marine Corps .....	118,939		118,939
Aircraft Procurement, Air Force .....	679,969	-25,600	654,369
Missile Procurement, Air Force .....	154,845		154,845
Procurement of Ammunition, Air Force .....	164,408	-9,250	155,158
Other Procurement, Air Force .....	3,834,165		3,834,165
Procurement, Defense-Wide .....	234,434	-19,250	215,184
<b>Subtotal, Procurement .....</b>	<b>8,614,221</b>	<b>90,700</b>	<b>8,704,921</b>

## Research, Development, Test and Evaluation

Research, Development, Test & Evaluation, Army .....	239,689		239,689
Research, Development, Test & Evaluation, Navy .....	40,333		40,333
Research, Development, Test & Evaluation, Air Force .....	32,905		32,905
Research, Development, Test & Evaluation, Defense-Wide .....	165,419		165,419
<b>Subtotal, Research, Development, Test and Evaluation .....</b>	<b>478,346</b>	<b>0</b>	<b>478,346</b>

## Operation and Maintenance

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Operation & Maintenance, Army .....	16,658,381	-245,000	16,413,381
Operation & Maintenance, Army Reserve .....	24,120		24,120
Operation & Maintenance, Army National Guard .....	66,907		66,907
Afghanistan Security Forces Fund .....	4,263,215		4,263,215
Iraq Train & Equip Fund .....	919,500	-919,500	0
Syria Train & Equip Fund .....	250,000	-250,000	0
Counter-ISIL Fund .....	0	1,169,500	1,169,500
Operation & Maintenance, Navy .....	5,441,406		5,441,406
Operation & Maintenance, Marine Corps .....	1,112,805		1,112,805
Operation & Maintenance, Navy Reserve .....	26,265		26,265
Operation & Maintenance, Marine Corps Reserve .....	3,304		3,304
Operation & Maintenance, Air Force .....	9,757,326	43,542	9,800,868
Operation & Maintenance, Air Force Reserve .....	57,586		57,586
Operation & Maintenance, Air National Guard .....	20,000		20,000
Operation & Maintenance, Defense-Wide .....	6,357,088	760,000	7,117,088
<b>Subtotal, Operation and Maintenance .....</b>	<b>44,957,903</b>	<b>558,542</b>	<b>45,516,445</b>
<b>Military Personnel</b>			
Military Personnel Appropriations .....	3,644,161		3,644,161
<b>Subtotal, Military Personnel .....</b>	<b>3,644,161</b>	<b>0</b>	<b>3,644,161</b>
<b>Other Authorizations</b>			
Working Capital Fund, Army .....	46,833		46,833
Working Capital Fund, Defense-Wide .....	93,800		93,800
Drug Interdiction and Counter Drug Activities .....	191,533		191,533
Office of the Inspector General .....	22,062		22,062
Defense Health Program .....	334,311		334,311
Counterterrorism Partnerships Fund .....	1,000,000	-1,000,000	0
Ukraine Security Assistance .....		350,000	350,000
<b>Subtotal, Other Authorizations .....</b>	<b>1,688,539</b>	<b>-650,000</b>	<b>1,038,539</b>
<b>Military Construction</b>			
Army .....	18,900		18,900
Navy .....	21,400		21,400
Air Force .....	88,740	-449	88,291
Defense-Wide .....	5,000		5,000
<b>Subtotal, Military Construction .....</b>	<b>134,040</b>	<b>-449</b>	<b>133,591</b>
<b>Subtotal, Overseas Contingency Operations .....</b>	<b>59,517,210</b>	<b>-1,207</b>	<b>59,516,003</b>
<b>Subtotal, 051, Department of Defense-Military .....</b>	<b>59,517,210</b>	<b>-1,207</b>	<b>59,516,003</b>
<b>Total, National Defense Funding, Overseas Contingency Operations Budget Request .....</b>	<b>59,517,210</b>	<b>-1,207</b>	<b>59,516,003</b>

National Defense Funding, Overseas Contingency Operations Funding for Base Requirements

Function 051, Department of Defense-Military

Procurement

Aircraft Procurement, Army .....	78,040		78,040
Missile Procurement, Army .....	150,000	196,100	346,100
Procurement of Ammunition, Army .....		240,200	240,200
Other Procurement, Army .....	161,900		161,900
Joint Improvised-Threat Defeat Fund .....	113,272		113,272
Aircraft Procurement, Navy .....	34,200		34,200
Weapons Procurement, Navy .....		117,200	117,200
Procurement of Ammunition, Navy & Marine Corps .....		77,200	77,200
Other Procurement, Navy .....	59,329		59,329
Aircraft Procurement, Air Force .....	179,430		179,430

## SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Missile Procurement, Air Force .....	184,700		184,700
Procurement of Ammunition, Air Force .....	323,000		323,000
Procurement, Defense-Wide .....	4,000		4,000
<b>Subtotal, Procurement</b> .....	<b>1,287,871</b>	<b>630,700</b>	<b>1,918,571</b>
<b>Research, Development, Test and Evaluation</b>			
Research, Development, Test & Evaluation, Army .....	33		33
Research, Development, Test & Evaluation, Navy .....	37,990		37,990
<b>Subtotal, Research, Development, Test and Evaluation</b> .....	<b>38,023</b>	<b>0</b>	<b>38,023</b>
<b>Operation and Maintenance</b>			
Operation & Maintenance, Army .....	1,586,475	962,000	2,548,475
Operation & Maintenance, Army Reserve .....	14,559	95,800	110,359
Operation & Maintenance, Army National Guard .....	60,128	128,800	188,928
Operation & Maintenance, Navy .....	1,481,516	26,100	1,507,616
Operation & Maintenance, Marine Corps .....	300,000	7,200	307,200
Operation & Maintenance, Navy Reserve .....		500	500
Operation & Maintenance, Marine Corps Reserve .....		1,000	1,000
Operation & Maintenance, Air Force .....	124,000	49,100	173,100
Operation & Maintenance, Air Force Reserve .....		1,600	1,600
Operation & Maintenance, Air National Guard .....		4,300	4,300
Operation & Maintenance, Defense-Wide .....	38,044		38,044
<b>Subtotal, Operation and Maintenance</b> .....	<b>3,604,722</b>	<b>1,276,400</b>	<b>4,881,122</b>
<b>Military Personnel</b>			
Military Personnel Appropriations .....	62,965	1,287,500	1,350,465
<b>Subtotal, Military Personnel</b> .....	<b>62,965</b>	<b>1,287,500</b>	<b>1,350,465</b>
<b>Other Authorizations</b>			
Drug Interdiction and Counter Drug Activities .....	23,800		23,800
<b>Subtotal, Other Authorizations</b> .....	<b>23,800</b>	<b>0</b>	<b>23,800</b>
<b>Military Construction</b>			
Navy .....	38,409		38,409
<b>Subtotal, Military Construction</b> .....	<b>38,409</b>	<b>0</b>	<b>38,409</b>
<b>Subtotal, 051, Department of Defense-Military</b> .....	<b>5,055,790</b>	<b>3,194,600</b>	<b>8,250,390</b>
<b>Total, National Defense Funding, Overseas Contingency Operations Funding for Base Requirements</b> .....	<b>5,055,790</b>	<b>3,194,600</b>	<b>8,250,390</b>
<b>Total, National Defense Funding, Overseas Contingency Operations</b> .....	<b>64,573,000</b>	<b>3,193,393</b>	<b>67,766,393</b>
<b>Total, National Defense</b> .....	<b>607,976,612</b>	<b>3,191,190</b>	<b>611,167,802</b>
<b>MEMORANDUM: BASE BUDGET REQUIREMENTS</b>			
Base Funding .....	543,403,612	-2,203	543,401,409
Overseas Contingency Operations Funding for Base Requirements .....	5,055,790	3,194,600	8,250,390
<b>Total, Base Budget Requirements</b> .....	<b>548,459,402</b>	<b>3,192,397</b>	<b>551,651,799</b>
<b>MEMORANDUM: NON-DEFENSE AUTHORIZATIONS</b>			
Title XIV—Armed Forces Retirement Home (Function 600) .....	64,300		64,300
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 270) .....	14,950		14,950
<b>MEMORANDUM: TRANSFER AUTHORITIES (NON-ADD)</b>			
Title X—General Transfer Authority .....	[5,000,000]	[-500,000]	[4,500,000]
Title XV—Special Transfer Authority .....	[4,500,000]	[-1,000,000]	[3,500,000]
<b>MEMORANDUM: DEFENSE AUTHORIZATIONS NOT UNDER THE JURISDICTION OF THE ARMED SERVICES COMMITTEE (NON-ADD)</b>			

## SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2017

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
Defense Production Act .....	[44,605]		[44,605]

## NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION

(In Thousands of Dollars)

	FY 2017 Request	Conference Change	Conference Authorized
<b>Summary, Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee</b>			
<b>SUBTOTAL, DEPARTMENT OF DEFENSE (051)</b> .....	<b>523,952,134</b>	<b>-210,530</b>	<b>523,741,604</b>
<b>SUBTOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)</b> .....	<b>19,240,478</b>	<b>119,330</b>	<b>19,359,808</b>
<b>SUBTOTAL, DEFENSE-RELATED ACTIVITIES (054)</b> .....	<b>211,000</b>	<b>88,997</b>	<b>299,997</b>
<b>TOTAL, NATIONAL DEFENSE (050)—BASE BILL</b> .....	<b>543,403,612</b>	<b>-2,203</b>	<b>543,401,409</b>
<b>TOTAL, OVERSEAS CONTINGENCY OPERATIONS</b> .....	<b>64,573,000</b>	<b>3,193,393</b>	<b>67,766,393</b>
<b>GRAND TOTAL, NATIONAL DEFENSE</b> .....	<b>607,976,612</b>	<b>3,191,190</b>	<b>611,167,802</b>

## Base National Defense Discretionary Programs that Are Not In the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization

Defense Production Act Purchases .....	44,000		44,000
Indefinite Account: Disposal Of DOD Real Property .....	8,000		8,000
Indefinite Account: Lease Of DOD Real Property .....	37,000		37,000
<b>Subtotal, Budget Sub-Function 051</b> .....	<b>89,000</b>		<b>89,000</b>

Formerly Utilized Sites Remedial Action Program .....	103,000		103,000
<b>Subtotal, Budget Sub-Function 053</b> .....	<b>103,000</b>		<b>103,000</b>

Other Discretionary Programs .....	7,750,000		7,750,000
Other Discretionary Programs—proposed rescission (FBI S&E) .....	-133,000		-133,000
<b>Subtotal, Budget Sub-Function 054</b> .....	<b>7,617,000</b>		<b>7,617,000</b>
<b>Total Defense Discretionary Adjustments (050)</b> .....	<b>7,809,000</b>		<b>7,809,000</b>

## Budget Authority Implication, National Defense Discretionary

Department of Defense—Military (051) .....	588,614,134	2,982,863	591,596,997
Atomic Energy Defense Activities (053) .....	19,343,478	119,330	19,462,808
Defense-Related Activities (054) .....	7,828,000	88,997	7,916,997
<b>Total BA Implication, National Defense Discretionary</b> .....	<b>615,785,612</b>	<b>3,191,190</b>	<b>618,976,802</b>

## National Defense Mandatory Programs, Current Law (CBO Estimates)

Concurrent receipt accrual payments to the Military Retirement Fund .....	6,769,000		6,769,000
Revolving, trust and other DOD Mandatory .....	1,463,000		1,463,000
Offsetting receipts .....	-1,856,000		-1,856,000
<b>Subtotal, Budget Sub-Function 051</b> .....	<b>6,376,000</b>		<b>6,376,000</b>
Energy employees occupational illness compensation programs and other .....	1,169,000		1,169,000
<b>Subtotal, Budget Sub-Function 053</b> .....	<b>1,169,000</b>		<b>1,169,000</b>
Radiation exposure compensation trust fund .....	62,000		62,000
Payment to CIA retirement fund and other .....	514,000		514,000
<b>Subtotal, Budget Sub-Function 054</b> .....	<b>576,000</b>		<b>576,000</b>
<b>Total National Defense Mandatory (050)</b> .....	<b>8,121,000</b>		<b>8,121,000</b>

## Budget Authority Implication, National Defense Discretionary and Mandatory

Department of Defense—Military (051) .....	594,990,134	2,982,863	597,972,997
Atomic Energy Defense Activities (053) .....	20,512,478	119,330	20,631,808
Defense-Related Activities (054) .....	8,404,000	88,997	8,492,997
<b>Total BA Implication, National Defense Discretionary and Mandatory</b> .....	<b>623,906,612</b>	<b>3,191,190</b>	<b>627,097,802</b>

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>AIRCRAFT PROCUREMENT, ARMY</b>											
<b>FIXED WING</b>											
001	UTILITY F/W AIRCRAFT .....	3	57,529	3	57,529	3	57,529			3	57,529
003	MQ-1 UAV .....		55,388		84,988		55,388				55,388
	Ground Mounted Airspace Deconfliction Radar.				[29,600]						
<b>ROTARY</b>											
006	AH-64 APACHE BLOCK IIIA REMAN .....	48	803,084	48	803,084	48	803,084			48	803,084
007	ADVANCE PROCUREMENT (CY) .....		185,160		185,160		185,160				185,160
008	UH-60 BLACKHAWK M MODEL (MYP) .....	36	755,146	36	755,146	36	755,146			36	755,146
009	ADVANCE PROCUREMENT (CY) .....		174,107		174,107		174,107				174,107
010	UH-60 BLACK HAWK A AND L MODELS .....	38	46,173	38	46,173	38	46,173			38	46,173
011	CH-47 HELICOPTER .....	22	556,257	22	556,257	22	556,257			22	556,257
012	ADVANCE PROCUREMENT (CY) .....		8,707		8,707		8,707				8,707
<b>MODIFICATION OF AIRCRAFT</b>											
013	MQ-1 PAYLOAD (MIP) .....		43,735		43,735		43,735				43,735
015	MULTI SENSOR ABN RECON (MIP) .....		94,527		94,527		94,527				94,527
016	AH-64 MODS .....		137,883		137,883		137,883				137,883
017	CH-47 CARGO HELICOPTER MODS (MYP).		102,943		102,943		102,943				102,943
018	GRCS SEMA MODS (MIP) .....		4,055		4,055		4,055				4,055
019	ARL SEMA MODS (MIP) .....		6,793		6,793		6,793				6,793
020	EMARSS SEMA MODS (MIP) .....		13,197		13,197		13,197				13,197
021	UTILITY/CARGO AIRPLANE MODS .....		17,526		17,526		17,526				17,526
022	UTILITY HELICOPTER MODS .....		10,807		10,807		10,807				10,807
023	NETWORK AND MISSION PLAN .....		74,752		74,752		74,752				74,752
024	COMMS, NAV SURVEILLANCE .....		69,960		69,960		69,960				69,960
025	GATM ROLLUP .....		45,302		45,302		45,302				45,302
026	RQ-7 UAV MODS .....		71,169		71,169		71,169				71,169
027	UAS MODS .....		21,804		26,224		21,804				21,804
	Realign APS Unit Set Require- ments from OCO.				[4,420]						
<b>GROUND SUPPORT AVIONICS</b>											
028	AIRCRAFT SURVIVABILITY EQUIPMENT ....		67,377		67,377		67,377				67,377
029	SURVIVABILITY CM .....		9,565		9,565		35,565				9,565
	ASE PNT unfunded requirement ....						[26,000]				
030	CMWS .....		41,626		41,626		41,626				41,626
<b>OTHER SUPPORT</b>											
032	AVIONICS SUPPORT EQUIPMENT .....		7,007		7,007		7,007				7,007
033	COMMON GROUND EQUIPMENT .....		48,234		48,234		48,234				48,234
034	AIRCREW INTEGRATED SYSTEMS .....		30,297		30,297		30,297				30,297
035	AIR TRAFFIC CONTROL .....		50,405		50,405		50,405				50,405
036	INDUSTRIAL FACILITIES .....		1,217		1,217		1,217				1,217
037	LAUNCHER, 2.75 ROCKET .....		3,055		3,055		3,055				3,055
	<b>TOTAL AIRCRAFT PROCURE- MENT, ARMY.</b>	<b>147</b>	<b>3,614,787</b>	<b>147</b>	<b>3,648,807</b>	<b>147</b>	<b>3,640,787</b>			<b>147</b>	<b>3,614,787</b>
<b>MISSILE PROCUREMENT, ARMY</b>											
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>											
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD).		126,470		126,470		126,470				126,470
002	MSE MISSILE .....	85	423,201	85	505,601	85	423,201			85	423,201
	Program increase .....				[82,400]						
003	ADVANCE PROCUREMENT (CY) .....		19,319		19,319		19,319				19,319
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>											
004	HELLFIRE SYS SUMMARY .....	155	42,013	155	42,013	155	42,013			155	42,013
005	JOINT AIR-TO-GROUND MSLS (JAGM) .....	324	64,751	324	64,751	324	64,751			324	64,751
006	ADVANCE PROCUREMENT (CY) .....		37,100		37,100		37,100				37,100
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>											
007	JAVELIN (AAWS-M) SYSTEM SUMMARY ...	309	73,508	309	89,075	309	73,508		-604	309	72,904
	Engineering services cost growth Realign APS Unit Set Require- ments from OCO.				[15,567]				[-604]		
008	TOW 2 SYSTEM SUMMARY .....	595	64,922	595	145,574	595	64,922			595	64,922
	Realign APS Unit Set Require- ments from OCO.				[80,652]						
009	ADVANCE PROCUREMENT (CY) .....		19,949		19,949		19,949		-9,233		10,716
	Advance procurement cost growth								[-9,233]		
010	GUIDED MLRS ROCKET (GMLRS) .....	1,068	172,088	1,068	248,079	1,068	172,088			1,068	172,088
	Realign APS Unit Set Require- ments from OCO.				[75,991]						
011	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR).	1,704	18,004	1,704	18,004	1,704	18,004			1,704	18,004

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>MODIFICATIONS</b>											
013	PATRIOT MODS .....		197,107		197,107		197,107				197,107
014	ATACMS MODS .....		150,043		150,043		150,043				150,043
015	GMLRS MOD .....		395		395		395				395
017	AVENGER MODS .....		33,606		33,606		33,606				33,606
018	ITAS/TOW MODS .....		383		383		383				383
019	MLRS MODS .....		34,704		34,704		34,704				34,704
020	HIMARS MODIFICATIONS .....		1,847		1,847		1,847				1,847
<b>SPARES AND REPAIR PARTS</b>											
021	SPARES AND REPAIR PARTS .....		34,487		34,487		34,487				34,487
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>											
022	AIR DEFENSE TARGETS .....		4,915		4,915		4,915				4,915
024	PRODUCTION BASE SUPPORT .....		1,154		1,154		1,154				1,154
	<b>TOTAL MISSILE PROCUREMENT, ARMY.</b>	<b>4,240</b>	<b>1,519,966</b>	<b>4,240</b>	<b>1,774,576</b>	<b>4,240</b>	<b>1,519,966</b>		<b>-9,837</b>	<b>4,240</b>	<b>1,510,129</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>											
<b>TRACKED COMBAT VEHICLES</b>											
001	STRYKER VEHICLE .....		71,680		71,680		71,680				71,680
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>											
002	STRYKER (MOD) .....		74,348		74,348		74,348				74,348
003	STRYKER UPGRADE .....		444,561		444,561		433,561		-11,000		433,561
	Early to need .....						[-11,000]		[-11,000]		
005	BRADLEY PROGRAM (MOD) .....		276,433		276,433		276,433		-3,100		273,333
	Excess program management growth.								[-3,100]		
006	HOWITZER, MED SP FT 155MM M109A6 (MOD).		63,138		63,138		63,138				63,138
007	PALADIN INTEGRATED MANAGEMENT (PIM).	36	469,305	36	594,489	36	469,305			36	469,305
	Realign APS Unit Set Requirements from OCO.				[125,184]						
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES).	22	91,963	22	91,963	22	91,963			22	91,963
009	ASSAULT BRIDGE (MOD) .....		3,465		9,415		3,465				3,465
	Realign APS Unit Set Requirements from OCO.				[5,950]						
010	ASSAULT BREACHER VEHICLE .....		2,928		2,928		2,928				2,928
011	M88 FOV MODS .....		8,685		8,685		8,685				8,685
012	JOINT ASSAULT BRIDGE .....	9	64,752	9	64,752	9	64,752			9	64,752
013	M1 ABRAMS TANK (MOD) .....		480,166		480,166		620,166		[82,000]		480,166
	APS Unfunded requirement .....						[82,000]				
	M1 industrial base Unfunded requirement.						[58,000]				
014	ABRAMS UPGRADE PROGRAM .....				172,200				100,000		100,000
	Realign APS Unit Set Requirements from OCO.				[172,200]				[100,000]		
<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>											
016	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY.		9,764		9,764		9,764				9,764
017	MORTAR SYSTEMS .....		8,332		8,332		8,332				8,332
018	XM320 GRENADE LAUNCHER MODULE (GLM).		3,062		3,062		3,062				3,062
019	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM.		992		992		992				992
020	CARBINE .....		40,493		40,493		40,493				40,493
021	COMMON REMOTELY OPERATED WEAPONS STATION.		25,164		25,164		25,164				25,164
<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>											
022	MK-19 GRENADE MACHINE GUN MODS		4,959		4,959		4,959				4,959
023	M777 MODS .....		11,913		11,913		11,913				11,913
024	M4 CARBINE MODS .....		29,752		29,752		28,752				29,752
	Program decrease .....						[-1,000]				
025	M2 50 CAL MACHINE GUN MODS .....		48,582		48,582		48,582				48,582
026	M249 SAW MACHINE GUN MODS .....		1,179		1,179		1,179				1,179
027	M240 MEDIUM MACHINE GUN MODS .....		1,784		1,784		1,784				1,784
028	SNIPER RIFLES MODIFICATIONS .....		971		971		971				971
029	M119 MODIFICATIONS .....		6,045		6,045		6,045				6,045
030	MORTAR MODIFICATION .....		12,118		12,118		12,118				12,118
031	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV).		3,157		3,157		3,157				3,157

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<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>											
032	ITEMS LESS THAN \$5.0M (WOCV-WTCV)		2,331		2,331		2,331				2,331
035	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG).		3,155		3,155		3,155				3,155
036	BRADLEY PROGRAM .....				72,800		1,000				
	Program increase for Modular Handgun System.						[1,000]				
	Realign APS Unit Set Requirements from OCO.				[72,800]						
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY.</b>	<b>67</b>	<b>2,265,177</b>	<b>67</b>	<b>2,641,311</b>	<b>67</b>	<b>2,394,177</b>		<b>85,900</b>	<b>67</b>	<b>2,351,077</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>											
<b>SMALL/MEDIUM CAL AMMUNITION</b>											
001	CTG, 5.56MM, ALL TYPES .....		40,296		40,296		37,696				40,296
	Early to need .....						[-2,600]				
002	CTG, 7.62MM, ALL TYPES .....		39,237		48,879		38,937				39,237
	Early to need .....						[-300]				
	Realign APS Unit Set Requirements from OCO.				[9,642]						
003	CTG, HANDGUN, ALL TYPES .....		5,193		5,193		3,893				5,193
	Early to need .....						[-1,300]				
004	CTG, .50 CAL, ALL TYPES .....		46,693		52,691		41,993				46,693
	Early to need .....						[-4,700]				
	Realign APS Unit Set Requirements from OCO.				[5,998]						
005	CTG, 20MM, ALL TYPES .....		7,000		8,077		7,000				7,000
	Realign APS Unit Set Requirements from OCO.				[1,077]						
006	CTG, 25MM, ALL TYPES .....		7,753		34,987		6,453		-1,300		6,453
	Program reduction .....				[-1,300]		[-1,300]		[-1,300]		
	Realign APS Unit Set Requirements from OCO.				[28,534]						
007	CTG, 30MM, ALL TYPES .....		47,000		47,000		47,000				47,000
008	CTG, 40MM, ALL TYPES .....		118,178		115,501		111,878		-6,354		111,824
	Early to need .....						[-6,300]		[-6,354]		
	Realign APS Unit Set Requirements from OCO.				[7,423]						
	Unobligated balances .....				[-10,100]						
<b>MORTAR AMMUNITION</b>											
009	60MM MORTAR, ALL TYPES .....		69,784		69,784		69,784				69,784
010	81MM MORTAR, ALL TYPES .....		36,125		38,802		36,125				36,125
	Realign APS Unit Set Requirements from OCO.				[2,677]						
011	120MM MORTAR, ALL TYPES .....		69,133		69,133		69,133				69,133
<b>TANK AMMUNITION</b>											
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES.		120,668		129,667		117,868		-2,800		117,868
	Early to need .....						[-2,800]		[-2,800]		
	Realign APS Unit Set Requirements from OCO.				[8,999]						
<b>ARTILLERY AMMUNITION</b>											
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES.		64,800		64,800		60,800		-3,500		61,300
	75mm blanks early to need .....						[-4,000]		[-3,500]		
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES.		109,515		129,863		109,515				109,515
	Realign APS Unit Set Requirements from OCO.				[20,348]						
015	PROJ 155MM EXTENDED RANGE M982 ..		39,200		39,340		39,200				39,200
	Realign APS Unit Set Requirements from OCO.				[140]						
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL.		70,881		95,536		70,881				70,881
	Realign APS Unit Set Requirements from OCO.				[24,655]						
<b>MINES</b>											
017	MINES & CLEARING CHARGES, ALL TYPES.				16,866						
	Realign APS Unit Set Requirements from OCO.				[16,866]						
<b>NETWORKED MUNITIONS</b>											
018	SPIDER NETWORK MUNITIONS, ALL TYPES.				10,353						

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	Realign APS Unit Set Requirements from OCO.				[10,353]						
	<b>ROCKETS</b>										
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES.		38,000		101,210		38,000				38,000
	Realign APS Unit Set Requirements from OCO.				[63,210]						
020	ROCKET, HYDRA 70, ALL TYPES .....		87,213		87,213		87,213				87,213
	<b>OTHER AMMUNITION</b>										
021	CAD/PAD, ALL TYPES .....		4,914		4,914		4,914				4,914
022	DEMOLITION MUNITIONS, ALL TYPES .....		6,380		12,753		6,380				6,380
	Realign APS Unit Set Requirements from OCO.				[6,373]						
023	GRENADES, ALL TYPES .....		22,760		26,903		22,760				22,760
	Realign APS Unit Set Requirements from OCO.				[4,143]						
024	SIGNALS, ALL TYPES .....		10,666		12,518		10,666				10,666
	Realign APS Unit Set Requirements from OCO.				[1,852]						
025	SIMULATORS, ALL TYPES .....		7,412		7,412		7,412				7,412
	<b>MISCELLANEOUS</b>										
026	AMMO COMPONENTS, ALL TYPES .....		12,726		12,726		12,726				12,726
027	NON-LETHAL AMMUNITION, ALL TYPES ...		6,100		6,873		5,900		-200		5,900
	Early to need .....						[-200]		[-200]		
	Realign APS Unit Set Requirements from OCO.				[773]						
028	ITEMS LESS THAN \$5 MILLION (AMMO) ..		10,006		10,006		9,506		-500		9,506
	Early to need .....						[-500]		[-500]		
029	AMMUNITION PECULIAR EQUIPMENT .....		17,275		13,575		13,575		-3,700		13,575
	Early to need .....				[-3,700]		[-3,700]		[-3,700]		
030	FIRST DESTINATION TRANSPORTATION (AMMO).		14,951		14,951		14,951				14,951
	<b>PRODUCTION BASE SUPPORT</b>										
032	INDUSTRIAL FACILITIES .....		222,269		242,269		222,269		20,000		242,269
	Program increase .....				[20,000]				[20,000]		
033	CONVENTIONAL MUNITIONS DEMILITARIZATION.		157,383		157,383		157,383				157,383
034	ARMS INITIATIVE .....		3,646		3,646		3,646				3,646
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY.</b>		<b>1,513,157</b>		<b>1,731,120</b>		<b>1,485,457</b>		<b>1,646</b>		<b>1,514,803</b>
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
001	TACTICAL TRAILERS/DOLLY SETS .....		3,733		3,733		3,733				3,733
002	SEMITRAILERS, FLATBED: .....		3,716		7,896		3,716				3,716
	Realign APS Unit Set Requirements from OCO.				[4,180]						
003	HI MOB MULTI-PURP WHLD VEH (HMMWV).				50,000		21,000		50,000		50,000
	HMMWV M997A3 ambulance recapitalization for Active Component.				[50,000]		[21,000]		[50,000]		
004	GROUND MOBILITY VEHICLES (GMV) .....		4,907		4,907		4,907				4,907
006	JOINT LIGHT TACTICAL VEHICLE .....	1,828	587,514	1,828	587,514	1,828	587,514			1,828	587,514
007	TRUCK, DUMP, 20T (CCE) .....		3,927		3,927		3,927				3,927
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	8	53,293	8	200,769	8	53,293			8	53,293
	Realign APS Unit Set Requirements from OCO.				[147,476]						
009	FIRETRUCKS & ASSOCIATED FIRE-FIGHTING EQUIP.		7,460		7,460		7,460				7,460
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).	430	39,564	430	45,686	430	39,564			430	39,564
	Realign APS Unit Set Requirements from OCO.				[6,122]						
011	PLS ESP .....		11,856		118,214		11,856				11,856
	Realign APS Unit Set Requirements from OCO.				[106,358]						
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV.				76,561						
	Realign APS Unit Set Requirements from OCO.				[76,561]						
013	TACTICAL WHEELED VEHICLE PROTECTION KITS.		49,751		76,870		49,751				49,751

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	Realign APS Unit Set Requirements from OCO.				[27,119]						
014	MODIFICATION OF IN SVC EQUIP .....		64,000		57,456		52,000		-10,000		54,000
	Program reduction .....				[-10,000]		[-12,000]		[-10,000]		
	Realign APS Unit Set Requirements from OCO.				[3,456]						
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS.		10,611		10,611		10,611				10,611
	<b>NON-TACTICAL VEHICLES</b>										
016	HEAVY ARMORED SEDAN .....		394		394		394				394
018	NONTACTICAL VEHICLES, OTHER .....		1,755		1,755		1,755				1,755
	<b>COMM—JOINT COMMUNICATIONS</b>										
019	WIN-T—GROUND FORCES TACTICAL NETWORK.		427,598		434,170		327,598				427,598
	Ahead of need .....						[-100,000]				
	Realign APS Unit Set Requirements from OCO.				[6,572]						
020	SIGNAL MODERNIZATION PROGRAM .....		58,250		58,250		58,250				58,250
021	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY.		5,749		5,749		5,749				5,749
022	JCSE EQUIPMENT (USREDCOM) .....		5,068		5,068		5,068				5,068
	<b>COMM—SATELLITE COMMUNICATIONS</b>										
023	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS.		143,805		143,805		143,805				143,805
024	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.		36,580		36,580		36,580				36,580
025	SHF TERM .....		1,985		25,985		1,985				1,985
	Realign APS Unit Set Requirements from OCO.				[24,000]						
027	SMART-T (SPACE) .....		9,165		9,165		9,165				9,165
	<b>COMM—C3 SYSTEM</b>										
031	ARMY GLOBAL CMD & CONTROL SYS (AGCCS).		2,530		2,530		2,530				2,530
	<b>COMM—COMBAT COMMUNICATIONS</b>										
033	HANDHELD MANPACK SMALL FORM FIT (HMS).	5,656	273,645	5,656	273,645	5,656	273,645			5,656	273,645
034	MID-TIER NETWORKING VEHICULAR RADIO (MNV).		25,017		25,017		25,017				25,017
035	RADIO TERMINAL SET, MIDS LVT(2) .....		12,326		12,326		12,326				12,326
037	TRACTOR DESK .....		2,034		2,034		2,034				2,034
038	TRACTOR RIDE .....		2,334		2,334		2,334				2,334
039	SPIDER APLA REMOTE CONTROL UNIT ...		1,985		1,985		1,985				1,985
040	SPIDER FAMILY OF NETWORKED MUNITIONS INCR.		10,796		10,796		10,796				10,796
042	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM.		3,607		3,607		3,607				3,607
043	UNIFIED COMMAND SUITE .....		14,295		14,295		14,295				14,295
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE.		19,893		19,893		19,893				19,893
	<b>COMM—INTELLIGENCE COMM</b>										
047	CI AUTOMATION ARCHITECTURE .....		1,388		1,388		1,388				1,388
048	ARMY CA/MISO GPF EQUIPMENT .....		5,494		5,494		5,494				5,494
	<b>INFORMATION SECURITY</b>										
049	FAMILY OF BIOMETRICS .....		2,978		2,978		2,978				2,978
051	COMMUNICATIONS SECURITY (COMSEC)		131,356		133,284		131,356				131,356
	Realign APS Unit Set Requirements from OCO.				[1,928]						
052	DEFENSIVE CYBER OPERATIONS .....		15,132		15,132		15,132				15,132
	<b>COMM—LONG HAUL COMMUNICATIONS</b>										
053	BASE SUPPORT COMMUNICATIONS .....		27,452		27,452		27,452				27,452
	<b>COMM—BASE COMMUNICATIONS</b>										
054	INFORMATION SYSTEMS .....		122,055		122,055		122,055				122,055
055	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM.	1	4,286	1	4,286	1	4,286			1	4,286
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM.		131,794		131,794		131,794				131,794
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
059	JTT/CIBS-M .....		5,337		5,337		5,337				5,337
062	DCGS-A (MIP) .....		242,514		242,514		149,514		-24,700		217,814
	Program reduction .....						[-93,000]		[-24,700]		
063	JOINT TACTICAL GROUND STATION (JTAGS).		4,417		4,417		4,417				4,417
064	TROJAN (MIP) .....		17,455		17,615		17,455				17,455

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	Realign APS Unit Set Requirements from OCO.				[160]						
065	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP).		44,965		44,965		44,965				44,965
066	CI HUMINT AUTO REPRTING AND COLL(CHARCS).		7,658		7,658		7,658				7,658
067	CLOSE ACCESS TARGET RECONNAISSANCE (CATR).		7,970		7,970		7,970				7,970
068	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M.		545		545		545				545
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
070	LIGHTWEIGHT COUNTER MORTAR RADAR		74,038		99,930		61,538		-5,585		68,453
	Realign APS Unit Set Requirements from OCO.				[25,892]						
	Unit cost growth .....						[-12,500]		[-5,585]		
071	EW PLANNING & MANAGEMENT TOOLS (EWPMT).		3,235		3,235		3,235				3,235
072	AIR VIGILANCE (AV) .....		733		733		733				733
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE.		1,740		1,740		1,740				1,740
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.		455		455		455				455
076	CI MODERNIZATION .....		176		176		176				176
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
077	SENTINEL MODS .....		40,171		40,171		40,171				40,171
078	NIGHT VISION DEVICES .....		163,029		163,029		163,029				163,029
079	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.		15,885		15,885		15,885				15,885
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS.		48,427		52,697		48,427				48,427
	Realign APS Unit Set Requirements from OCO.				[4,270]						
081	FAMILY OF WEAPON SIGHTS (FWS) .....		55,536		55,536		55,536				55,536
082	ARTILLERY ACCURACY EQUIP .....		4,187		4,187		4,187				4,187
085	JOINT BATTLE COMMAND—PLATFORM (JBC-P).		137,501		137,501		137,501				137,501
086	JOINT EFFECTS TARGETING SYSTEM (JETS).		50,726		50,726		50,726				50,726
087	MOD OF IN-SVC EQUIP (LLDR) .....		28,058		28,058		21,558				28,058
	Reduce to FY16 levels .....						[-6,500]				
088	COMPUTER BALLISTICS: LHMCB XM32 ...		5,924		5,924		5,924				5,924
089	MORTAR FIRE CONTROL SYSTEM .....		22,331		22,621		22,331				22,331
	Realign APS Unit Set Requirements from OCO.				[290]						
090	COUNTERFIRE RADARS .....		314,509		281,509		278,509		-33,000		281,509
	Unit cost savings .....				[-33,000]		[-36,000]		[-33,000]		
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
091	FIRE SUPPORT C2 FAMILY .....		8,660		8,660		8,660				8,660
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS.		54,376		124,334		54,376				54,376
	Realign APS Unit Set Requirements from OCO.				[69,958]						
093	IAMD BATTLE COMMAND SYSTEM .....		204,969		204,969		204,969				204,969
094	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		4,718		4,718		4,718				4,718
095	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.		11,063		11,063		11,063				11,063
096	MANEUVER CONTROL SYSTEM (MCS) .....		151,318		151,318		124,318				151,318
	Reduce to FY16 level .....						[-27,000]				
097	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A).		155,660		155,660		155,660				155,660
098	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP).		4,214		4,214		4,214				4,214
099	RECONNAISSANCE AND SURVEYING INSTRUMENT SET.		16,185		16,185		16,185				16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE) ...		1,565		1,565		1,565				1,565
	<b>ELECT EQUIP—AUTOMATION</b>										
101	ARMY TRAINING MODERNIZATION .....		17,693		17,693		17,693				17,693
102	AUTOMATED DATA PROCESSING EQUIP ..		107,960		107,960		98,560				107,960
	Program reduction .....						[-9,400]				
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM.		6,416		6,416		6,416				6,416

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104	HIGH PERF COMPUTING MOD PGM (HPCMP).		58,614		58,614		58,614				58,614
105	CONTRACT WRITING SYSTEM ..... Contract writing unjustified requirement.		986		986				[-986]		986
106	RESERVE COMPONENT AUTOMATION SYS (RCAS).		23,828		23,828		23,828				23,828
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>										
107	TACTICAL DIGITAL MEDIA .....		1,191		1,191		1,191				1,191
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT). Realign APS Unit Set Requirements from OCO.		1,995		2,091		1,995				1,995
	<b>ELECT EQUIP—SUPPORT</b>										
109	PRODUCTION BASE SUPPORT (C-E) .....		403		403		403				403
	<b>CLASSIFIED PROGRAMS</b>										
110A	CLASSIFIED PROGRAMS .....		4,436		4,436		4,436				4,436
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
111	PROTECTIVE SYSTEMS .....		2,966		2,966		2,966				2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE).		9,795		9,795		9,795				9,795
114	CBRN DEFENSE .....		17,922		19,763		17,922				17,922
	Realign APS Unit Set Requirements from OCO.				[1,841]						
	<b>BRIDGING EQUIPMENT</b>										
115	TACTICAL BRIDGING .....		13,553		39,553		13,553				13,553
	Realign APS Unit Set Requirements from OCO.				[26,000]						
116	TACTICAL BRIDGE, FLOAT-RIBBON .....		25,244		25,244		25,244				25,244
117	BRIDGE SUPPLEMENTAL SET .....		983		983		983				983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP.		25,176		25,176		25,176				25,176
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS).		39,350		39,350		39,350				39,350
120	AREA MINE DETECTION SYSTEM (AMDS)		10,500		10,500		10,500				10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS).		274		274		274				274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS).		2,951		2,951		2,951				2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION.		1,949		1,949		1,949				1,949
124	ROBOTICS AND APPLIQUE SYSTEMS .....		5,203		5,471		5,203				5,203
	Realign APS Unit Set Requirements from OCO.				[268]						
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).		5,570		5,570		5,570				5,570
126	REMOTE DEMOLITION SYSTEMS .....		6,238		6,238		6,238				6,238
127	< \$5M, COUNTERMINE EQUIPMENT .....		836		836		836				836
128	FAMILY OF BOATS AND MOTORS .....		3,171		3,451		3,171				3,171
	Realign APS Unit Set Requirements from OCO.				[280]						
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
129	HEATERS AND ECU'S .....		18,707		19,601		18,707				18,707
	Realign APS Unit Set Requirements from OCO.				[894]						
130	SOLDIER ENHANCEMENT .....		2,112		2,112		2,112				2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS).		10,856		10,856		10,856				10,856
132	GROUND SOLDIER SYSTEM .....		32,419		32,419		32,419				32,419
133	MOBILE SOLDIER POWER .....		30,014		30,014		30,014				30,014
135	FIELD FEEDING EQUIPMENT .....		12,544		15,209		12,544				12,544
	Realign APS Unit Set Requirements from OCO.				[2,665]						
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.		18,509		18,509		18,509				18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS.		29,384		39,173		29,384				29,384
	Realign APS Unit Set Requirements from OCO.				[9,789]						
138	ITEMS LESS THAN \$5M (ENG SPT) .....				300						
	Realign APS Unit Set Requirements from OCO.				[300]						

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<b>PETROLEUM EQUIPMENT</b>											
139	QUALITY SURVEILLANCE EQUIPMENT .....		4,487		9,287		4,487				4,487
	Realign APS Unit Set Requirements from OCO.				[4,800]						
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.		42,656		63,476		32,656		-7,000		35,656
	Program decrease .....						[-10,000]		[-7,000]		
	Realign APS Unit Set Requirements from OCO.				[20,820]						
<b>MEDICAL EQUIPMENT</b>											
141	COMBAT SUPPORT MEDICAL .....		59,761		65,524		59,761				59,761
	Realign APS Unit Set Requirements from OCO.				[5,763]						
<b>MAINTENANCE EQUIPMENT</b>											
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.		35,694		33,803		30,694		-3,500		32,194
	Program reduction .....				[-3,500]		[-5,000]		[-3,500]		
	Realign APS Unit Set Requirements from OCO.				[1,609]						
143	ITEMS LESS THAN \$5.0M (MAINT EQ) ....		2,716		2,861		2,716				2,716
	Realign APS Unit Set Requirements from OCO.				[145]						
<b>CONSTRUCTION EQUIPMENT</b>											
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		1,742		4,789		1,742				1,742
	Realign APS Unit Set Requirements from OCO.				[3,047]						
145	SCRAPERS, EARTHMOVING .....		26,233		26,233		26,233				26,233
147	HYDRAULIC EXCAVATOR .....		1,123		1,123		1,123				1,123
148	TRACTOR, FULL TRACKED .....				4,426						
	Realign APS Unit Set Requirements from OCO.				[4,426]						
149	ALL TERRAIN CRANES .....		65,285		65,285		65,285				65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE).		1,743		4,643		1,743				1,743
	Realign APS Unit Set Requirements from OCO.				[2,900]						
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP.		2,779		2,779		2,779				2,779
154	CONST EQUIP ESP .....		26,712		23,212		22,212		-4,500		22,212
	Program reduction .....				[-3,500]		[-4,500]		[-4,500]		
155	ITEMS LESS THAN \$5.0M (CONST EQUIP)		6,649		6,745		6,649				6,649
	Realign APS Unit Set Requirements from OCO.				[96]						
<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>											
156	ARMY WATERCRAFT ESP .....		21,860		16,860		10,860				21,860
	Program reduction .....				[-5,000]		[-11,000]				
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) ..		1,967		1,967		1,967				1,967
<b>GENERATORS</b>											
158	GENERATORS AND ASSOCIATED EQUIP ...		113,266		125,727		113,266				113,266
	Program decrease .....				[-7,500]						
	Realign APS Unit Set Requirements from OCO.				[19,961]						
159	TACTICAL ELECTRIC POWER RECAPITALIZATION.		7,867		7,867		7,867				7,867
<b>MATERIAL HANDLING EQUIPMENT</b>											
160	FAMILY OF FORKLIFTS .....		2,307		3,153		2,307				2,307
	Realign APS Unit Set Requirements from OCO.				[846]						
<b>TRAINING EQUIPMENT</b>											
161	COMBAT TRAINING CENTERS SUPPORT ..		75,359		75,359		75,359				75,359
162	TRAINING DEVICES, NONSYSTEM .....		253,050		253,050		253,050				253,050
163	CLOSE COMBAT TACTICAL TRAINER .....		48,271		48,271		48,271				48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER.		40,000		40,000		40,000				40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING.		11,543		11,543		11,543				11,543
<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>											
166	CALIBRATION SETS EQUIPMENT .....		4,963		4,963		4,963				4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).		29,781		29,781		29,781				29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD).		6,342		7,482		6,342				6,342

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Realign APS Unit Set Requirements from OCO.				[1,140]						
	<b>OTHER SUPPORT EQUIPMENT</b>										
169	M25 STABILIZED BINOCULAR .....		3,149		3,149		3,149				3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.		18,003		18,003		18,003				18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3) ...		44,082		44,082		44,082				44,082
172	BASE LEVEL COMMON EQUIPMENT .....		2,168		2,168		2,168				2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3).		67,367		67,367		62,367				67,367
	Reduce to FY16 level .....						[-5,000]				
174	PRODUCTION BASE SUPPORT (OTH) .....		1,528		1,528		1,528				1,528
175	SPECIAL EQUIPMENT FOR USER TESTING		8,289		8,289		8,289				8,289
177	TRACTOR YARD .....		6,888		6,888		6,888				6,888
	<b>OPA2</b>										
179	INITIAL SPARES—C&E .....		27,243		27,243		27,243				27,243
	<b>TOTAL OTHER PROCUREMENT, ARMY.</b>	<b>7,923</b>	<b>5,873,949</b>	<b>7,923</b>	<b>6,473,477</b>	<b>7,923</b>	<b>5,562,063</b>		<b>-38,285</b>	<b>7,923</b>	<b>5,835,664</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
003	JOINT STRIKE FIGHTER CV .....	4	890,650	4	890,650	4	890,650			4	890,650
004	ADVANCE PROCUREMENT (CY) .....		80,908		80,908		80,908				80,908
005	JSF STOVL .....	16	2,037,768	16	2,037,768	16	2,037,768			16	2,037,768
006	ADVANCE PROCUREMENT (CY) .....		233,648		233,648		233,648				233,648
007	CH-53K (HEAVY LIFT) .....	2	348,615	2	348,615	2	348,615			2	348,615
008	ADVANCE PROCUREMENT (CY) .....		88,365		88,365		88,365				88,365
009	V-22 (MEDIUM LIFT) .....	16	1,264,134	16	1,264,134	16	1,264,134			16	1,249,134
	Support cost growth .....								[-15,000]		
010	ADVANCE PROCUREMENT (CY) .....		19,674		19,674		19,674				19,674
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	24	759,778	24	759,778	24	759,778			24	756,586
	Airframe unit cost growth .....								[-3,192]		
012	ADVANCE PROCUREMENT (CY) .....		57,232		57,232		57,232				57,232
014	MH-60R (MYP) .....		61,177		26,177		61,177				53,177
	Line shutdown costs—early to need.				[-35,000]				[-8,000]		
016	P-8A POSEIDON .....	11	1,940,238	11	1,940,238	11	1,940,238			11	1,863,238
	Airframe unit cost growth .....								[-77,000]		
017	ADVANCE PROCUREMENT (CY) .....		123,140		123,140		123,140				123,140
018	E-2D ADV HAWKEYE .....	6	916,483	6	916,483	6	916,483			6	916,483
019	ADVANCE PROCUREMENT (CY) .....		125,042		125,042		125,042				125,042
	<b>TRAINER AIRCRAFT</b>										
020	JPATS .....		5,849		5,849		5,849				5,849
	<b>OTHER AIRCRAFT</b>										
021	KC-130J .....	2	128,870	2	128,870	2	128,870			2	128,870
022	ADVANCE PROCUREMENT (CY) .....		24,848		24,848		24,848				24,848
023	MQ-4 TRITON .....	2	409,005	2	409,005	2	409,005			2	396,125
	Unit cost savings .....								[-12,880]		
024	ADVANCE PROCUREMENT (CY) .....		55,652		55,652		55,652				55,652
025	MQ-8 UAV .....	1	72,435	1	72,435	1	72,435			1	72,435
	<b>MODIFICATION OF AIRCRAFT</b>										
029	AEA SYSTEMS .....		51,900		51,900		51,900				51,900
030	AV-8 SERIES .....		60,818		60,818		60,818				60,818
031	ADVERSARY .....		5,191		5,191		5,191				5,191
032	F-18 SERIES .....		1,023,492		986,192		1,023,492				986,192
	Unobligated balances .....				[-37,300]				[-37,300]		
034	H-53 SERIES .....		46,095		46,095		46,095				46,095
035	SH-60 SERIES .....		108,328		108,328		108,328				108,328
036	H-1 SERIES .....		46,333		46,333		46,333				46,333
037	EP-3 SERIES .....		14,681		14,681		14,681				14,681
038	P-3 SERIES .....		2,781		2,781		2,781				2,781
039	E-2 SERIES .....		32,949		32,949		32,949				32,949
040	TRAINER A/C SERIES .....		13,199		13,199		13,199				13,199
041	C-2A .....		19,066		19,066		19,066				19,066
042	C-130 SERIES .....		61,788		61,788		61,788				59,788
	Training equipment unjustified growth (OSIP 022-07).								[-2,000]		
043	FEWSG .....		618		618		618				618
044	CARGO/TRANSPORT A/C SERIES .....		9,822		9,822		9,822				9,822
045	E-6 SERIES .....		222,077		222,077		222,077				222,077
046	EXECUTIVE HELICOPTERS SERIES .....		66,835		66,835		66,835				66,835
047	SPECIAL PROJECT AIRCRAFT .....		16,497		16,497		16,497				16,497

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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
048	T-45 SERIES .....		114,887		114,887		114,887				114,887
049	POWER PLANT CHANGES .....		16,893		16,893		16,893		-2,000		14,893
	Excess support growth .....								[-2,000]		
050	JPATS SERIES .....		17,401		17,401		17,401				17,401
051	COMMON ECM EQUIPMENT .....		143,773		143,773		143,773				143,773
052	COMMON AVIONICS CHANGES .....		164,839		164,839		164,839				164,839
053	COMMON DEFENSIVE WEAPON SYSTEM ..		4,403		4,403		4,403				4,403
054	ID SYSTEMS .....		45,768		45,768		45,768				45,768
055	P-8 SERIES .....		18,836		18,836		18,836				18,836
056	MAGTF EW FOR AVIATION .....		5,676		5,676		5,676				5,676
057	MQ-8 SERIES .....		19,003		19,003		19,003				19,003
058	RQ-7 SERIES .....		3,534		3,534		3,534				3,534
059	V-22 (TILT/ROTOR ACFT) OSPREY .....		141,545		141,545		141,545				141,545
060	F-35 STOVL SERIES .....		34,928		34,928		34,928				34,928
061	F-35 CV SERIES .....		26,004		26,004		26,004				26,004
062	QRC .....		5,476		5,476		5,476				5,476
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
063	SPARES AND REPAIR PARTS .....		1,407,626		1,407,626		1,458,426				1,407,626
	F-35B spares unfunded require- ment.						[50,800]				
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILI- TIES</b>										
064	COMMON GROUND EQUIPMENT .....		390,103		370,103		390,103				390,103
	Program decrease .....				[-20,000]						
065	AIRCRAFT INDUSTRIAL FACILITIES .....		23,194		23,194		23,194				23,194
066	WAR CONSUMABLES .....		40,613		40,613		40,613				40,613
067	OTHER PRODUCTION CHARGES .....		860		860		860				860
068	SPECIAL SUPPORT EQUIPMENT .....		36,282		36,282		36,282				36,282
069	FIRST DESTINATION TRANSPORTATION ....		1,523		1,523		1,523				1,523
	<b>TOTAL AIRCRAFT PROCURE-     MENT, NAVY.</b>	<b>84</b>	<b>14,109,148</b>	<b>84</b>	<b>14,016,848</b>	<b>84</b>	<b>14,159,948</b>		<b>-157,372</b>	<b>84</b>	<b>13,951,776</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>MODIFICATION OF MISSILES</b>										
001	TRIDENT II MODS .....		1,103,086		1,103,086		1,103,086				1,103,086
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
002	MISSILE INDUSTRIAL FACILITIES .....		6,776		6,776		6,776				6,776
	<b>STRATEGIC MISSILES</b>										
003	TOMAHAWK .....	100	186,905	100	186,905	196	271,105		-7,000	100	179,905
	Program increase .....					[96]	[84,200]				
	Tomahawk unit cost growth .....								[-7,000]		
	<b>TACTICAL MISSILES</b>										
004	AMRAAM .....	163	204,697	163	204,697	163	204,697		-7,250	163	197,447
	Unit cost growth .....								[-7,250]		
005	SIDEWINDER .....	152	70,912	152	70,912	152	70,912			152	70,912
006	JSOW .....		2,232		2,232		2,232				2,232
007	STANDARD MISSILE .....	125	501,212	125	501,212	125	501,212		-3,244	125	497,968
	Diminishing manufacturing sources excess growth.								[-3,244]		
008	RAM .....	90	71,557	90	71,557	90	71,557			90	71,557
009	JOINT AIR GROUND MISSILE (JAGM) .....	96	26,200	96	26,200	96	26,200		-4,278	96	21,922
	Unit cost savings .....								[-4,278]		
012	STAND OFF PRECISION GUIDED MUNI- TIONS (SOPGM).	24	3,316	24	3,316	24	3,316			24	3,316
013	AERIAL TARGETS .....		137,484		137,484		137,484				137,484
014	OTHER MISSILE SUPPORT .....		3,248		3,248		3,248				3,248
015	LRASM .....	10	29,643	10	29,643	10	29,643			10	29,643
	<b>MODIFICATION OF MISSILES</b>										
016	ESSM .....	75	52,935	75	52,935	75	52,935			75	52,935
018	HARM MODS .....		178,213		178,213		148,213				178,213
	Advanced Anti-Radiation Guided Missile production issues.						[-30,000]				
019	STANDARD MISSILES MODS .....		8,164		8,164		8,164				8,164
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
020	WEAPONS INDUSTRIAL FACILITIES .....		1,964		1,964		1,964				1,964
021	FLEET SATELLITE COMM FOLLOW-ON .....		36,723		36,723		36,723				36,723
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
022	ORDNANCE SUPPORT EQUIPMENT .....		59,096		59,096		66,066				59,096
	Program increase .....						[6,970]				
	<b>TORPEDOES AND RELATED EQUIP</b>										
023	SSTD .....		5,910		5,910		5,910				5,910
024	MK-48 TORPEDO .....	11	44,537	11	44,537	11	44,537			11	44,537

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025	ASW TARGETS .....		9,302		9,302		9,302				9,302
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>										
026	MK-54 TORPEDO MODS .....		98,092		98,092		98,092				98,092
027	MK-48 TORPEDO ADCAP MODS .....		46,139		46,139		46,139				46,139
028	QUICKSTRIKE MINE .....		1,236		1,236		1,236				1,236
	<b>SUPPORT EQUIPMENT</b>										
029	TORPEDO SUPPORT EQUIPMENT .....		60,061		60,061		60,061				60,061
030	ASW RANGE SUPPORT .....		3,706		3,706		3,706				3,706
	<b>DESTINATION TRANSPORTATION</b>										
031	FIRST DESTINATION TRANSPORTATION ....		3,804		3,804		3,804				3,804
	<b>GUNS AND GUN MOUNTS</b>										
032	SMALL ARMS AND WEAPONS .....		18,002		18,002		18,002				18,002
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>										
033	CIWS MODS .....		50,900		50,900		50,900				50,900
034	COAST GUARD WEAPONS .....		25,295		25,295		25,295				25,295
035	GUN MOUNT MODS .....		77,003		77,003		77,003				77,003
036	LCS MODULE WEAPONS .....	24	2,776	24	2,776	24	2,776			24	2,776
038	AIRBORNE MINE NEUTRALIZATION SYSTEMS.		15,753		15,753		15,753				15,753
	<b>SPARES AND REPAIR PARTS</b>										
040	SPARES AND REPAIR PARTS .....		62,383		62,383		62,383				62,383
	<b>TOTAL WEAPONS PROCUREMENT, NAVY.</b>	<b>870</b>	<b>3,209,262</b>	<b>870</b>	<b>3,209,262</b>	<b>966</b>	<b>3,270,432</b>		<b>-21,772</b>	<b>870</b>	<b>3,187,490</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>										
	<b>NAVY AMMUNITION</b>										
001	GENERAL PURPOSE BOMBS .....		91,659		91,659		91,659				91,659
002	AIRBORNE ROCKETS, ALL TYPES .....		65,759		65,759		65,759				65,759
003	MACHINE GUN AMMUNITION .....		8,152		8,152		8,152				8,152
004	PRACTICE BOMBS .....		41,873		41,873		41,873				41,873
005	CARTRIDGES & CART ACTUATED DEVICES.		54,002		54,002		54,002				54,002
006	AIR EXPENDABLE COUNTERMEASURES ...		57,034		57,034		57,034				57,034
007	JATOS .....		2,735		2,735		2,735				2,735
009	5 INCH/54 GUN AMMUNITION .....		19,220		19,220		19,220				19,220
010	INTERMEDIATE CALIBER GUN AMMUNITION.		30,196		30,196		30,196				30,196
011	OTHER SHIP GUN AMMUNITION .....		39,009		39,009		39,009				39,009
012	SMALL ARMS & LANDING PARTY AMMO		46,727		46,727		46,727				46,727
013	PYROTECHNIC AND DEMOLITION .....		9,806		9,806		9,806				9,806
014	AMMUNITION LESS THAN \$5 MILLION .....		2,900		2,900		2,900				2,900
	<b>MARINE CORPS AMMUNITION</b>										
015	SMALL ARMS AMMUNITION .....		27,958		27,958		27,958				27,958
017	40 MM, ALL TYPES .....		14,758		14,758		14,758				14,758
018	60MM, ALL TYPES .....		992		992		992				992
020	120MM, ALL TYPES .....		16,757		16,757		12,757		-4,600		12,157
	120mm early to need .....						[-4,000]		[-4,600]		
021	GRENADES, ALL TYPES .....		972		972		972				972
022	ROCKETS, ALL TYPES .....		14,186		14,186		14,186				14,186
023	ARTILLERY, ALL TYPES .....		68,656		68,656		68,656				68,656
024	DEMOLITION MUNITIONS, ALL TYPES .....		1,700		1,700		1,700				1,700
025	FUZE, ALL TYPES .....		26,088		26,088		26,088				26,088
027	AMMO MODERNIZATION .....		14,660		14,660		14,660				14,660
028	ITEMS LESS THAN \$5 MILLION .....		8,569		8,569		6,069		-2,500		6,069
	Early to need .....						[-2,500]		[-2,500]		
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC.</b>		<b>664,368</b>		<b>664,368</b>		<b>657,868</b>		<b>-7,100</b>		<b>657,268</b>
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>										
	<b>FLEET BALLISTIC MISSILE SHIPS</b>										
001	OHIO REPLACEMENT SUBMARINE ADVANCE PROCUREMENT.		773,138				773,138				773,138
	Transfer to Title XIV National Sea-Based Deterrence Fund.				[-773,138]						
	<b>OTHER WARSHIPS</b>										
002	CARRIER REPLACEMENT PROGRAM .....		1,291,783		1,291,783		1,291,783				1,291,783
003	ADVANCE PROCUREMENT (CY) .....		1,370,784		1,370,784		1,370,784				1,370,784
004	VIRGINIA CLASS SUBMARINE .....	2	3,187,985	2	3,187,985	2	3,187,985			2	3,187,985
005	ADVANCE PROCUREMENT (CY) .....		1,767,234		1,767,234		1,767,234		85,000		1,852,234
	Long-lead Time Materiel Orders for Virginia Class.								[85,000]		





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Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
090	SHIPBOARD TACTICAL COMMUNICATIONS		17,366		17,366		17,366				17,366
091	SHIP COMMUNICATIONS AUTOMATION ....		102,479		102,479		102,479				102,479
092	COMMUNICATIONS ITEMS UNDER \$5M ...		10,403		10,403		10,403				10,403
	<b>SUBMARINE COMMUNICATIONS</b>										
093	SUBMARINE BROADCAST SUPPORT .....		34,151		34,151		34,151				34,151
094	SUBMARINE COMMUNICATION EQUIP- MENT.		64,529		64,529		64,529				64,529
	<b>SATELLITE COMMUNICATIONS</b>										
095	SATELLITE COMMUNICATIONS SYSTEMS		14,414		14,414		14,414				14,414
096	NAVY MULTIBAND TERMINAL (NMT) .....		38,365		38,365		38,365				38,365
	<b>SHORE COMMUNICATIONS</b>										
097	JCS COMMUNICATIONS EQUIPMENT .....		4,156		4,156		4,156				4,156
	<b>CRYPTOGRAPHIC EQUIPMENT</b>										
099	INFO SYSTEMS SECURITY PROGRAM (ISSP).		85,694		85,694		85,694				85,694
100	MIO INTEL EXPLOITATION TEAM .....		920		920		920				920
	<b>CRYPTOLOGIC EQUIPMENT</b>										
101	CRYPTOLOGIC COMMUNICATIONS EQUIP		21,098		21,098		21,098				21,098
	<b>OTHER ELECTRONIC SUPPORT</b>										
102	COAST GUARD EQUIPMENT .....		32,291		32,291		32,291				32,291
	<b>SONOBUOYS</b>										
103	SONOBUOYS—ALL TYPES .....		162,588		162,588		162,588		-3,047		159,541
	Excess unit cost growth .....								[-3,047]		
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
104	WEAPONS RANGE SUPPORT EQUIPMENT		58,116		58,116		58,116				58,116
105	AIRCRAFT SUPPORT EQUIPMENT .....		120,324		120,324		120,324				120,324
106	METEOROLOGICAL EQUIPMENT .....		29,253		29,253		29,253				29,253
107	DCRS/DPL .....		632		632		632				632
108	AIRBORNE MINE COUNTERMEASURES ....		29,097		29,097		29,097				29,097
109	AVIATION SUPPORT EQUIPMENT .....		39,099		39,099		39,099				39,099
	<b>SHIP GUN SYSTEM EQUIPMENT</b>										
110	SHIP GUN SYSTEMS EQUIPMENT .....		6,191		6,191		6,191				6,191
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>										
111	SHIP MISSILE SUPPORT EQUIPMENT .....		320,446		310,946		320,446		-9,500		310,946
	Program execution .....				[-9,500]				[-9,500]		
112	TOMAHAWK SUPPORT EQUIPMENT .....		71,046		71,046		71,046				71,046
	<b>FBM SUPPORT EQUIPMENT</b>										
113	STRATEGIC MISSILE SYSTEMS EQUIP .....		215,138		215,138		215,138				215,138
	<b>ASW SUPPORT EQUIPMENT</b>										
114	SSN COMBAT CONTROL SYSTEMS .....		130,715		130,715		130,715				130,715
115	ASW SUPPORT EQUIPMENT .....		26,431		26,431		26,431				26,431
	<b>OTHER ORDNANCE SUPPORT EQUIP- MENT</b>										
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		11,821		11,821		11,821				11,821
117	ITEMS LESS THAN \$5 MILLION .....		6,243		6,243		6,243				6,243
	<b>OTHER EXPENDABLE ORDNANCE</b>										
118	SUBMARINE TRAINING DEVICE MODS ....		48,020		48,020		48,020				48,020
120	SURFACE TRAINING EQUIPMENT .....		97,514		97,514		97,514		-2,535		94,979
	Unjustified growth .....								[-2,535]		
	<b>CIVIL ENGINEERING SUPPORT EQUIP- MENT</b>										
121	PASSENGER CARRYING VEHICLES .....		8,853		8,853		8,853				8,853
122	GENERAL PURPOSE TRUCKS .....		4,928		4,928		4,928				4,928
123	CONSTRUCTION & MAINTENANCE EQUIP		18,527		18,527		18,527				18,527
124	FIRE FIGHTING EQUIPMENT .....		13,569		13,569		13,569				13,569
125	TACTICAL VEHICLES .....		14,917		14,917		14,917				14,917
126	AMPHIBIOUS EQUIPMENT .....		7,676		7,676		7,676				7,676
127	POLLUTION CONTROL EQUIPMENT .....		2,321		2,321		2,321				2,321
128	ITEMS UNDER \$5 MILLION .....		12,459		12,459		12,459				12,459
129	PHYSICAL SECURITY VEHICLES .....		1,095		1,095		1,095				1,095
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
131	SUPPLY EQUIPMENT .....		16,023		16,023		16,023				16,023
133	FIRST DESTINATION TRANSPORTATION ....		5,115		5,115		5,115				5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS .....		295,471		295,471		295,471				295,471
	<b>TRAINING DEVICES</b>										
136	TRAINING AND EDUCATION EQUIPMENT ..		9,504		9,504		9,504				9,504
	<b>COMMAND SUPPORT EQUIPMENT</b>										
137	COMMAND SUPPORT EQUIPMENT .....		37,180		37,180		37,180		-7,200		29,980
	CNIC building control systems un- justified request.								[-7,200]		
139	MEDICAL SUPPORT EQUIPMENT .....		4,128		4,128		4,128				4,128
141	NAVAL MIP SUPPORT EQUIPMENT .....		1,925		1,925		1,925				1,925



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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
043	MOTOR TRANSPORT MODIFICATIONS .....		13,292		13,292		13,292				13,292
045	JOINT LIGHT TACTICAL VEHICLE .....	192	113,230	192	113,230	192	113,230			192	113,230
046	FAMILY OF TACTICAL TRAILERS .....		2,691		2,691		2,691				2,691
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
048	ENVIRONMENTAL CONTROL EQUIP AS-SORT.		18		18		18				18
050	TACTICAL FUEL SYSTEMS .....		78		78		78				78
051	POWER EQUIPMENT ASSORTED .....		17,973		17,973		17,973				17,973
052	AMPHIBIOUS SUPPORT EQUIPMENT .....		7,371		7,371		7,371				7,371
053	EOD SYSTEMS .....		14,021		14,021		14,021				14,021
	<b>MATERIALS HANDLING EQUIPMENT</b>										
054	PHYSICAL SECURITY EQUIPMENT .....		31,523		31,523		31,523				31,523
	<b>GENERAL PROPERTY</b>										
058	TRAINING DEVICES .....		33,658		33,658		33,658				33,658
060	FAMILY OF CONSTRUCTION EQUIPMENT		21,315		21,315		21,315				21,315
061	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV).		9,654		9,654		9,654				9,654
	<b>OTHER SUPPORT</b>										
062	ITEMS LESS THAN \$5 MILLION .....		6,026		6,026		6,026				6,026
	<b>SPARES AND REPAIR PARTS</b>										
064	SPARES AND REPAIR PARTS .....		22,848		22,848		22,848				22,848
	<b>TOTAL PROCUREMENT, MARINE CORPS.</b>	<b>199</b>	<b>1,362,769</b>	<b>199</b>	<b>1,362,769</b>	<b>199</b>	<b>1,362,769</b>		<b>-4,325</b>	<b>199</b>	<b>1,358,444</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE TACTICAL FORCES</b>										
001	F-35 .....	43	4,401,894	43	4,401,894	43	4,401,894		-213,000	43	4,188,894
	Program efficiencies .....								[-213,000]		
002	ADVANCE PROCUREMENT (CY) .....		404,500		404,500		404,500				404,500
	<b>TACTICAL AIRLIFT</b>										
003	KC-46A TANKER .....	15	2,884,591	15	2,884,591	15	2,884,591			15	2,884,591
	<b>OTHER AIRLIFT</b>										
004	C-130J .....	2	145,655	2	145,655	2	145,655			2	145,655
006	HC-130J .....	4	317,576	4	317,576	4	317,576			4	317,576
007	ADVANCE PROCUREMENT (CY) .....		20,000		20,000		20,000				20,000
008	MC-130J .....	6	548,358	6	548,358	6	548,358			6	548,358
009	ADVANCE PROCUREMENT (CY) .....		50,000		50,000		50,000				50,000
	<b>HELICOPTERS</b>										
010	UH-1N REPLACEMENT .....		18,337		18,337	8	320,637				18,337
	HH-60 Blackhawks, initial spares, and support equipment.					[8]	[302,300]				
	<b>MISSION SUPPORT AIRCRAFT</b>										
012	CIVIL AIR PATROL A/C .....	6	2,637	6	2,637	6	2,637			6	2,637
	<b>OTHER AIRCRAFT</b>										
013	TARGET DRONES .....	41	114,656	41	114,656	41	114,656			41	114,656
014	RQ-4 .....		12,966		12,966		12,966				12,966
015	MQ-9 .....		122,522		122,522		35,522				122,522
	Air Force requested realignment ...								[-87,000]		
	<b>STRATEGIC AIRCRAFT</b>										
016	B-2A .....		46,729		46,729		46,729				46,729
017	B-1B .....		116,319		116,319		116,319				116,319
018	B-52 .....		109,020		109,020		109,020				109,020
	<b>TACTICAL AIRCRAFT</b>										
020	A-10 .....		1,289		1,289		1,289				1,289
021	F-15 .....		105,685		105,685		105,685				105,685
022	F-16 .....		97,331		97,331		185,631		17,000		114,331
	Active missile warning system .....						[12,000]		[12,000]		
	Anti-jam global positioning system (GPS) upgrade.						[5,000]		[5,000]		
	Digital radar warning system .....						[23,000]				
	Multi-mission computer and MIDS-JTRS.						[48,300]				
023	F-22A .....		163,008		163,008		163,008				163,008
024	F-35 MODIFICATIONS .....		175,811		175,811		175,811				175,811
025	INCREMENT 3.2B .....		76,410		76,410		76,410				76,410
026	ADVANCE PROCUREMENT (CY) .....		2,000		2,000		2,000				2,000
	<b>AIRLIFT AIRCRAFT</b>										
027	C-5 .....		24,192		24,192		24,192				24,192
029	C-17A .....		21,555		21,555		21,555				21,555
030	C-21 .....		5,439		5,439		5,439				5,439
031	C-32A .....		35,235		35,235		35,235				35,235
032	C-37A .....		5,004		5,004		5,004				5,004

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>TRAINER AIRCRAFT</b>											
033	GLIDER MODS .....		394		394		394				394
034	T-6 .....		12,765		12,765		12,765				12,765
035	T-1 .....		25,073		25,073		25,073		-8,000		17,073
	Production schedule slip .....								[-8,000]		
036	T-38 .....		45,090		45,090		45,090				45,090
<b>OTHER AIRCRAFT</b>											
037	U-2 MODS .....		36,074		36,074		36,074				36,074
038	KC-10A (ATCA) .....		4,570		4,570		4,570				4,570
039	C-12 .....		1,995		1,995		1,995				1,995
040	VC-25A MOD .....		102,670		102,670		102,670				102,670
041	C-40 .....		13,984		13,984		13,984				13,984
042	C-130 .....		9,168	50	81,668		9,168	50	72,500	50	81,668
	8-Bladed Propellers .....				[16,000]				[16,000]		
	Electronic Propeller Control Systems.				[13,500]				[13,500]		
	In-flight Propeller Balancing System Certification.				[1,500]				[1,500]		
	T56 3.5 Engine Upgrade Kits .....			[50]	[41,500]			[50]	[41,500]		
043	C-130J MODS .....		89,424		89,424		89,424				89,424
044	C-135 .....		64,161		64,161		64,161				64,161
045	COMPASS CALL MODS .....		130,257		59,857		155,857		-70,400		59,857
	Air Force requested realignment from Initial Spares.						[25,600]				
	Compass Call Program Restructure.				[-70,400]				[-70,400]		
046	RC-135 .....		211,438		211,438		211,438				211,438
047	E-3 .....		82,786		82,786		82,786				82,786
048	E-4 .....		53,348		53,348		53,348				53,348
049	E-8 .....		6,244		6,244		6,244				6,244
050	AIRBORNE WARNING AND CONTROL SYSTEM.		223,427		223,427		223,427				223,427
051	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS.	3	4,673	3	4,673	3	4,673			3	4,673
052	H-1 .....		9,007		9,007		9,007				9,007
054	H-60 .....		91,357		91,357		91,357				91,357
055	RQ-4 MODS .....		32,045		32,045		32,045				32,045
056	HC/MC-130 MODIFICATIONS .....		30,767		30,767		30,767				30,767
057	OTHER AIRCRAFT .....		33,886		33,886		33,886				33,886
059	MQ-9 MODS .....		141,929		141,929		141,929				141,929
060	CV-22 MODS .....		63,395		63,395		63,395				63,395
<b>AIRCRAFT SPARES AND REPAIR PARTS</b>											
061	INITIAL SPARES/REPAIR PARTS .....		686,491		673,291		747,891		-13,200		673,291
	Air Force requested realignment ...						[-25,600]				
	Air Force requested realignment from MQ-9.						[87,000]				
	Compass Call Program Restructure.				[-13,200]				[-13,200]		
<b>COMMON SUPPORT EQUIPMENT</b>											
062	AIRCRAFT REPLACEMENT SUPPORT EQUIP.		121,935		121,935		121,935				121,935
<b>POST PRODUCTION SUPPORT</b>											
063	B-2A .....		154		154		154				154
064	B-2A .....		43,330		43,330		43,330				43,330
065	B-52 .....		28,125		28,125		28,125				28,125
066	C-17A .....		23,559		23,559		23,559				23,559
069	F-15 .....		2,980		2,980		2,980				2,980
070	F-16 .....		15,155		39,955		15,155		24,800		39,955
	Additional mission trainers .....				[24,800]				[24,800]		
071	F-22A .....		48,505		48,505		48,505				48,505
074	RQ-4 POST PRODUCTION CHARGES .....		99		99		99				99
<b>INDUSTRIAL PREPAREDNESS</b>											
075	INDUSTRIAL RESPONSIVENESS .....		14,126		14,126		14,126				14,126
<b>WAR CONSUMABLES</b>											
076	WAR CONSUMABLES .....		120,036		120,036		120,036				120,036
<b>OTHER PRODUCTION CHARGES</b>											
077	OTHER PRODUCTION CHARGES .....		1,252,824		1,252,824		1,252,824				1,252,824
<b>CLASSIFIED PROGRAMS</b>											
077A	CLASSIFIED PROGRAMS .....		16,952		16,952		16,952		103,000		119,952
	Compass Call Program Restructure.								[103,000]		
<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE.</b>		<b>120</b>	<b>13,922,917</b>	<b>170</b>	<b>13,936,617</b>	<b>128</b>	<b>14,313,517</b>	<b>50</b>	<b>-87,300</b>	<b>170</b>	<b>13,835,617</b>

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>MISSILE PROCUREMENT, AIR FORCE</b>											
<b>MISSILE REPLACEMENT EQUIPMENT—</b>											
<b>BALLISTIC</b>											
001	MISSILE REPLACEMENT EQ-BALLISTIC ...		70,247		70,247		70,247				70,247
<b>TACTICAL</b>											
002	JOINT AIR-SURFACE STANDOFF MISSILE	360	431,645	360	431,645	360	431,645			360	431,645
003	LRASMO .....	20	59,511	20	59,511	20	59,511			20	59,511
004	SIDEWINDER (AIM-9X) .....	287	127,438	287	127,438	287	127,438			287	127,438
005	AMRAAM .....	256	350,144	256	350,144	256	350,144			256	339,392
	Pricing adjustment .....								[-10,752]		
006	PREDATOR HELLFIRE MISSILE .....	284	33,955	284	33,955	284	33,955			284	33,955
007	SMALL DIAMETER BOMB .....	312	92,361	312	92,361	312	92,361			312	92,361
<b>INDUSTRIAL FACILITIES</b>											
008	INDUSTR'L PREPAREDNS/POL PREVEN- TION.		977		977		977				977
<b>CLASS IV</b>											
009	ICBM FUZE MOD .....		17,095		17,095		17,095				17,095
010	MM III MODIFICATIONS .....		68,692		68,692		68,692				68,692
011	AGM-65D MAVERICK .....		282		282		282				282
013	AIR LAUNCH CRUISE MISSILE (ALCM) ...		21,762		21,762		21,762				21,762
014	SMALL DIAMETER BOMB .....		15,349		15,349		15,349				15,349
<b>MISSILE SPARES AND REPAIR PARTS</b>											
015	INITIAL SPARES/REPAIR PARTS .....		81,607		81,607		81,607				81,607
<b>SPECIAL PROGRAMS</b>											
030	SPECIAL UPDATE PROGRAMS .....		46,125		46,125		46,125				46,125
<b>CLASSIFIED PROGRAMS</b>											
030A	CLASSIFIED PROGRAMS .....		1,009,431		1,009,431		1,009,431				1,009,431
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE.</b>	<b>1,519</b>	<b>2,426,621</b>	<b>1,519</b>	<b>2,426,621</b>	<b>1,519</b>	<b>2,426,621</b>		<b>-10,752</b>	<b>1,519</b>	<b>2,415,869</b>
<b>SPACE PROCUREMENT, AIR FORCE</b>											
<b>SPACE PROGRAMS</b>											
001	ADVANCED EHF .....		645,569		645,569		645,569				645,569
002	AF SATELLITE COMM SYSTEM .....		42,375		42,375		42,375				42,375
003	COUNTERSPACE SYSTEMS .....		26,984		26,984		26,984				26,984
004	FAMILY OF BEYOND LINE-OF-SIGHT TER- MINALS.	16	88,963	16	88,963	16	88,963			16	88,963
005	WIDEBAND GAPPFILLER SAT- ELLITES(SPACE).		86,272		116,272		86,272				86,272
	Pilot Program .....				[30,000]						
006	GPS III SPACE SEGMENT .....		34,059		34,059		34,059				34,059
007	GLOBAL POSITIONING (SPACE) .....		2,169		2,169		2,169				2,169
008	SPACEBORNE EQUIP (COMSEC) .....		46,708		46,708		46,708				46,708
009	GLOBAL POSITIONING (SPACE) .....		13,171		10,271		13,171		-2,900		10,271
	Excess to Need .....				[-2,900]				[-2,900]		
010	MILSATCOM .....		41,799		41,799		41,799				41,799
011	EVOLVED EXPENDABLE LAUNCH CAPA- BILITY.		768,586		768,586		768,586		-26,000		742,586
	Early to need .....								[-26,000]		
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE).	5	737,853	5	737,853	5	737,853		-201,000	5	536,853
	Early to need .....								[-201,000]		
013	SBIR HIGH (SPACE) .....		362,504		362,504		362,504				362,504
014	NUDET DETECTION SYSTEM .....		4,395		4,395		4,395				4,395
015	SPACE MODS .....		8,642		8,642		8,642				8,642
016	SPACELIFT RANGE SYSTEM SPACE .....		123,088		123,088		123,088				123,088
<b>SSPARES</b>											
017	INITIAL SPARES/REPAIR PARTS .....		22,606		22,606		22,606				22,606
	<b>TOTAL SPACE PROCUREMENT, AIR FORCE.</b>	<b>21</b>	<b>3,055,743</b>	<b>21</b>	<b>3,082,843</b>	<b>21</b>	<b>3,055,743</b>		<b>-229,900</b>	<b>21</b>	<b>2,825,843</b>
<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>											
<b>ROCKETS</b>											
001	ROCKETS .....		18,734		18,734		18,734				18,734
<b>CARTRIDGES</b>											
002	CARTRIDGES .....		220,237		220,237		220,237				220,237
<b>BOMBS</b>											
003	PRACTICE BOMBS .....		97,106		97,106		97,106				97,106
004	GENERAL PURPOSE BOMBS .....		581,561		581,561		581,561				581,561
005	MASSIVE ORDNANCE PENETRATOR (MOP).		3,600		3,600		3,600				3,600

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
006	JOINT DIRECT ATTACK MUNITION .....	12,133	303,988	12,133	303,988	12,133	303,988			12,133	297,988
	Pricing adjustment for increased quantity.							-6,000	[-6,000]		
	<b>OTHER ITEMS</b>										
007	CAD/PAD .....		38,890		38,890		38,890				38,890
008	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....		5,714		5,714		5,714				5,714
009	SPARES AND REPAIR PARTS .....		740		740		740				740
010	MODIFICATIONS .....		573		573		573				573
011	ITEMS LESS THAN \$5 MILLION .....		5,156		5,156		5,156				5,156
	<b>FLARES</b>										
012	FLARES .....		134,709		134,709		134,709				134,709
	<b>FUZES</b>										
013	FUZES .....		229,252		229,252		229,252				229,252
	<b>SMALL ARMS</b>										
014	SMALL ARMS .....		37,459		37,459		37,459				37,459
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.</b>	<b>12,133</b>	<b>1,677,719</b>	<b>12,133</b>	<b>1,677,719</b>	<b>12,133</b>	<b>1,677,719</b>	<b>-6,000</b>		<b>12,133</b>	<b>1,671,719</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>PASSENGER CARRYING VEHICLES</b>										
001	PASSENGER CARRYING VEHICLES .....		14,437		14,437		14,437				14,437
	<b>CARGO AND UTILITY VEHICLES</b>										
002	MEDIUM TACTICAL VEHICLE .....		24,812		24,812		24,812				24,812
003	CAP VEHICLES .....		984		984		984				984
004	ITEMS LESS THAN \$5 MILLION .....		11,191		11,191		11,191				11,191
	<b>SPECIAL PURPOSE VEHICLES</b>										
005	SECURITY AND TACTICAL VEHICLES .....		5,361		5,361		5,361				5,361
006	ITEMS LESS THAN \$5 MILLION .....		4,623		4,623		4,623				4,623
	<b>FIRE FIGHTING EQUIPMENT</b>										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES.		12,451		7,451		12,451				12,451
	Program reduction .....				[-5,000]						
	<b>MATERIALS HANDLING EQUIPMENT</b>										
008	ITEMS LESS THAN \$5 MILLION .....		18,114		18,114		18,114				18,114
	<b>BASE MAINTENANCE SUPPORT</b>										
009	RUNWAY SNOW REMOV & CLEANING EQUIP.		2,310		2,310		2,310				2,310
010	ITEMS LESS THAN \$5 MILLION .....		46,868		46,868		46,868				46,868
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>										
012	COMSEC EQUIPMENT .....		72,359		72,359		72,359				72,359
	<b>INTELLIGENCE PROGRAMS</b>										
014	INTELLIGENCE TRAINING EQUIPMENT .....		6,982		6,982		6,982				6,982
015	INTELLIGENCE COMM EQUIPMENT .....		30,504		30,504		35,604		[5,100]		30,504
	Air Force requested realignment from AFNET.										
	<b>ELECTRONICS PROGRAMS</b>										
016	AIR TRAFFIC CONTROL & LANDING SYS		55,803		55,803		55,803				55,803
017	NATIONAL AIRSPACE SYSTEM .....		2,673		2,673		2,673				2,673
018	BATTLE CONTROL SYSTEM—FIXED .....		5,677		5,677		5,677				5,677
019	THEATER AIR CONTROL SYS IMPROVEMENTS.		1,163		1,163		1,163				1,163
020	WEATHER OBSERVATION FORECAST .....		21,667		21,667		21,667				21,667
021	STRATEGIC COMMAND AND CONTROL .....		39,803		39,803		39,803				39,803
022	CHEYENNE MOUNTAIN COMPLEX .....		24,618		24,618		24,618				24,618
023	MISSION PLANNING SYSTEMS .....		15,868		15,868		15,868				15,868
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN).		9,331		9,331		9,331				9,331
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
026	GENERAL INFORMATION TECHNOLOGY .....		41,779		41,779		41,779				41,779
027	AF GLOBAL COMMAND & CONTROL SYS		15,729		15,729		15,729				15,729
028	MOBILITY COMMAND AND CONTROL .....		9,814		9,814		9,814				9,814
029	AIR FORCE PHYSICAL SECURITY SYSTEM		99,460		99,460		99,460				99,460
030	COMBAT TRAINING RANGES .....		34,850		34,850		34,850				34,850
031	MINIMUM ESSENTIAL EMERGENCY COMM N.		198,925		198,925		198,925				198,925
032	WIDE AREA SURVEILLANCE (WAS) .....		6,943		6,943		6,943				6,943
033	C3 COUNTERMEASURES .....		19,580		19,580		19,580				19,580
034	GCSS-AF FOS .....		1,743		1,743		1,743				1,743
036	THEATER BATTLE MGT C2 SYSTEM .....		9,659		9,659		9,659				9,659
037	AIR & SPACE OPERATIONS CTR-WPN SYS.		15,474		15,474		15,474				15,474
038	AIR OPERATIONS CENTER (AOC) 10.2 .....		30,623		30,623		30,623		-15,300		15,323

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Fielding .....										[−15,300]
	<b>AIR FORCE COMMUNICATIONS</b>										
039	INFORMATION TRANSPORT SYSTEMS .....		40,043		40,043		40,043				40,043
040	AFNET .....		146,897		146,897		141,797				146,897
	Air Force requested realignment ...										[−5,100]
041	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE) .....		5,182		5,182		5,182				5,182
042	USCENTCOM .....		13,418		13,418		13,418				13,418
	<b>ORGANIZATION AND BASE</b>										
052	TACTICAL C-E EQUIPMENT .....		109,836		109,836		109,836				109,836
053	RADIO EQUIPMENT .....		16,266		16,266		16,266				16,266
054	CCTV/AUDIOVISUAL EQUIPMENT .....		7,449		7,449		7,449				7,449
055	BASE COMM INFRASTRUCTURE .....		109,215		109,215		109,215				109,215
	<b>MODIFICATIONS</b>										
056	COMM ELECT MODS .....		65,700		65,700		65,700				65,700
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
058	ITEMS LESS THAN \$5 MILLION .....		54,416		54,416		54,416				54,416
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>										
059	MECHANIZED MATERIAL HANDLING EQUIP. ....		7,344		7,344		7,344				7,344
	<b>BASE SUPPORT EQUIPMENT</b>										
060	BASE PROCURED EQUIPMENT .....		6,852		11,852		6,852				6,852
	Program increase .....				[5,000]						
063	MOBILITY EQUIPMENT .....		8,146		8,146		8,146				8,146
064	ITEMS LESS THAN \$5 MILLION .....		28,427		28,427		28,427				28,427
	<b>SPECIAL SUPPORT PROJECTS</b>										
066	DARP RC135 .....		25,287		25,287		25,287				25,287
067	DCGS-AF .....		169,201		169,201		169,201				169,201
069	SPECIAL UPDATE PROGRAM .....		576,710		576,710		576,710				576,710
	<b>CLASSIFIED PROGRAMS</b>										
070A	CLASSIFIED PROGRAMS .....		15,119,705		15,119,705		15,119,705				15,119,705
	<b>SPARES AND REPAIR PARTS</b>										
072	SPARES AND REPAIR PARTS .....		15,784		15,784		15,784				15,784
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE.</b>		<b>17,438,056</b>		<b>17,438,056</b>		<b>17,438,056</b>				<b>−15,300</b>
	<b>CONFERENCE CHANGE</b>										
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, WHS</b>										
037	MAJOR EQUIPMENT, OSD .....	39	29,211	39	29,211	39	6,111			39	29,211
	Mentor Protégé .....										[−23,100]
	<b>MAJOR EQUIPMENT, NSA</b>										
036	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....		4,399		4,399		4,399				4,399
	<b>MAJOR EQUIPMENT, WHS</b>										
040	MAJOR EQUIPMENT, WHS .....		24,979		24,979		24,979				24,979
	<b>MAJOR EQUIPMENT, DISA</b>										
006	INFORMATION SYSTEMS SECURITY .....		21,347		21,347		21,347				21,347
007	TELEPORT PROGRAM .....		50,597		50,597		50,597				50,597
008	ITEMS LESS THAN \$5 MILLION .....		10,420		10,420		10,420				10,420
009	NET CENTRIC ENTERPRISE SERVICES (NCES) .....		1,634		1,634		1,634				1,634
010	DEFENSE INFORMATION SYSTEM NETWORK .....		87,235		87,235		87,235				87,235
011	CYBER SECURITY INITIATIVE .....		4,528		4,528		4,528				4,528
012	WHITE HOUSE COMMUNICATION AGENCY .....		36,846		36,846		36,846				36,846
013	SENIOR LEADERSHIP ENTERPRISE .....		599,391		599,391		599,391				599,391
015	JOINT REGIONAL SECURITY STACKS (JRSS) .....		150,221		150,221		150,221				150,221
	<b>MAJOR EQUIPMENT, DLA</b>										
017	MAJOR EQUIPMENT .....		2,055		2,055		2,055				2,055
	<b>MAJOR EQUIPMENT, DSS</b>										
020	MAJOR EQUIPMENT .....		1,057		1,057		1,057				1,057
	<b>MAJOR EQUIPMENT, DCAA</b>										
001	ITEMS LESS THAN \$5 MILLION .....		2,964		2,964		2,964				2,964
	<b>MAJOR EQUIPMENT, TJS</b>										
038	MAJOR EQUIPMENT, TJS .....		7,988		7,988		7,988				7,988
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>										
023	THAAD .....	24	369,608	24	369,608	24	369,608			24	369,608
024	AEGIS BMD .....	35	463,801	35	528,801	35	463,801		65,000	35	528,801
	Increasing BMD capability for Aegis Ships.				[65,000]						[65,000]



SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>											
001	JOINT URGENT OPERATIONAL NEEDS FUND.		99,300				99,300		-99,300		
	Program decrease .....				[-99,300]				[-99,300]		
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.</b>		<b>99,300</b>				<b>99,300</b>		<b>-99,300</b>		
<b>NATIONAL GUARD AND RESERVE EQUIPMENT UNDISTRIBUTED</b>											
007	MISCELLANEOUS EQUIPMENT .....				250,000				250,000		250,000
	Program increase .....				[250,000]				[250,000]		
	<b>TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.</b>				<b>250,000</b>				<b>250,000</b>		<b>250,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>27,441</b>	<b>101,971,592</b>	<b>27,491</b>	<b>103,124,709</b>	<b>27,547</b>	<b>102,434,976</b>	<b>50</b>	<b>451,068</b>	<b>27,491</b>	<b>102,422,660</b>

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>AIRCRAFT PROCUREMENT, ARMY</b>											
<b>MODIFICATION OF AIRCRAFT</b>											
015	MULTI SENSOR ABN RECON (MIP) .....		21,400		21,400		21,400				21,400
020	EMARSS SEMA MODS (MIP) .....	2	42,700	2	42,700	2	42,700			2	42,700
026	RQ-7 UAV MODS .....		1,775		1,775		1,775				1,775
027	UAS MODS .....		4,420				4,420				4,420
	Realign APS Unit Set Requirements to Base .....				[-4,420]						
<b>GROUND SUPPORT AVIONICS</b>											
030	CMWS .....		56,115		56,115		56,115				56,115
031	CIRCM .....		108,721		108,721		108,721				108,721
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>2</b>	<b>235,131</b>	<b>2</b>	<b>230,711</b>	<b>2</b>	<b>235,131</b>			<b>2</b>	<b>235,131</b>
<b>MISSILE PROCUREMENT, ARMY</b>											
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>											
004	HELLFIRE SYS SUMMARY .....	2,570	305,830	2,570	305,830	2,570	305,830			2,570	305,830
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>											
007	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	83	15,567	83		83	15,567			83	15,567
	Realign APS Unit Set Requirements to Base .....				[-15,567]						
008	TOW 2 SYSTEM SUMMARY .....	815	80,652	815		815	80,652			815	80,652
	Realign APS Unit Set Requirements to Base .....				[-80,652]						
010	GUIDED MLRS ROCKET (GMLRS) .....	698	75,991	698		698	75,991			698	75,991
	Realign APS Unit Set Requirements to Base .....				[-75,991]						
012	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS) .....	545	51,277	545	51,277	545	51,277			545	51,277
	<b>TOTAL MISSILE PROCUREMENT, ARMY .....</b>	<b>4,711</b>	<b>529,317</b>	<b>4,711</b>	<b>357,107</b>	<b>4,711</b>	<b>529,317</b>			<b>4,711</b>	<b>529,317</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>											
<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>											
007	PALADIN INTEGRATED MANAGEMENT (PIM) .....	12	125,184	12		12	125,184			12	125,184
	Realign APS Unit Set Requirements to Base .....				[-125,184]						
009	ASSAULT BRIDGE (MOD) .....		5,950				5,950				5,950
	Realign APS Unit Set Requirements to Base .....				[-5,950]						
014	ABRAMS UPGRADE PROGRAM .....								72,000		72,000
	Army requested realignment (ER) .....				[172,200]				[172,000]		
	Realign APS Unit Set Requirements to Base .....				[-172,200]				[-100,000]		
<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>											
017	MORTAR SYSTEMS .....		22,410		22,410		22,410				22,410
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>											
036	BRADLEY PROGRAM .....								72,800		72,800
	Army requested realignment (ER) .....				[72,800]				[72,800]		
	Realign APS Unit Set Requirements to Base .....				[-72,800]						
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY .....</b>	<b>12</b>	<b>153,544</b>	<b>12</b>	<b>22,410</b>	<b>12</b>	<b>153,544</b>		<b>144,800</b>	<b>12</b>	<b>298,344</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>											
<b>SMALL/MEDIUM CAL AMMUNITION</b>											
002	CTG, 7.62MM, ALL TYPES .....		9,642				9,642				9,642
	Realign APS Unit Set Requirements to Base .....				[-9,642]						



SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
051	COMMUNICATIONS SECURITY (COMSEC) .....		1,928				1,928				1,928
	Realign APS Unit Set Requirements to Base .....						[-1,928]				
052	DEFENSIVE CYBER OPERATIONS .....		26,500		26,500		26,500				26,500
	<b>COMM—BASE COMMUNICATIONS</b>										
056	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....		20,510		20,510		20,510				20,510
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
062	DCGS-A (MIP) .....		33,032		33,032		33,032				33,032
064	TROJAN (MIP) .....		3,305		3,145		3,305				3,305
	Realign APS Unit Set Requirements to Base .....						[-160]				
066	CI HUMINT AUTO REPRING AND COLL(CHARCS) .....		7,233		7,233		7,233				7,233
069	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP) .....		5,670		5,670		5,670				5,670
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
070	LIGHTWEIGHT COUNTER MORTAR RADAR .....		25,892				25,892				25,892
	Realign APS Unit Set Requirements to Base .....						[-25,892]				
074	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE .....		11,610		11,610		11,610				11,610
075	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		23,890		23,890		23,890				23,890
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....		76,270		72,000		76,270				76,270
	Realign APS Unit Set Requirements to Base .....						[-4,270]				
089	MORTAR FIRE CONTROL SYSTEM .....		2,572		2,282		2,572				2,572
	Realign APS Unit Set Requirements to Base .....						[-290]				
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
092	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	31	69,958	31		31	69,958			31	69,958
	Realign APS Unit Set Requirements to Base .....						[-69,958]				
	<b>ELECT EQUIP—AUTOMATION</b>										
102	AUTOMATED DATA PROCESSING EQUIP .....		9,900		9,900		9,900				9,900
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>										
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....		96				96				96
	Realign APS Unit Set Requirements to Base .....						[-96]				
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
114	CBRN DEFENSE .....		1,841				1,841				1,841
	Realign APS Unit Set Requirements to Base .....						[-1,841]				
	<b>BRIDGING EQUIPMENT</b>										
115	TACTICAL BRIDGING .....		26,000				26,000				26,000
	Realign APS Unit Set Requirements to Base .....						[-26,000]				
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
124	ROBOTICS AND APPLIQUE SYSTEMS .....		268				268				268
	Realign APS Unit Set Requirements to Base .....						[-268]				
128	FAMILY OF BOATS AND MOTORS .....		280				280				280
	Realign APS Unit Set Requirements to Base .....						[-280]				
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
129	HEATERS AND ECUS .....		894				894				894
	Realign APS Unit Set Requirements to Base .....						[-894]				
134	FORCE PROVIDER .....		53,800		53,800		53,800				53,800
135	FIELD FEEDING EQUIPMENT .....		2,665				2,665				2,665
	Realign APS Unit Set Requirements to Base .....						[-2,665]				
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....		2,400		2,400		2,400				2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....		9,789				9,789				9,789
	Realign APS Unit Set Requirements to Base .....						[-9,789]				
138	ITEMS LESS THAN \$5M (ENG SPT) .....		300				300				300
	Realign APS Unit Set Requirements to Base .....						[-300]				
	<b>PETROLEUM EQUIPMENT</b>										
139	QUALITY SURVEILLANCE EQUIPMENT .....		4,800				4,800				4,800
	Realign APS Unit Set Requirements to Base .....						[-4,800]				
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	174	78,240	174	57,420	174	78,240			174	78,240
	Realign APS Unit Set Requirements to Base .....						[-20,820]				
	<b>MEDICAL EQUIPMENT</b>										
141	COMBAT SUPPORT MEDICAL .....		5,763				5,763				5,763
	Realign APS Unit Set Requirements to Base .....						[-5,763]				
	<b>MAINTENANCE EQUIPMENT</b>										
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....		1,609				1,609				1,609
	Realign APS Unit Set Requirements to Base .....						[-1,609]				
143	ITEMS LESS THAN \$5.0M (MAINT EQ) .....		145				145				145
	Realign APS Unit Set Requirements to Base .....						[-145]				
	<b>CONSTRUCTION EQUIPMENT</b>										
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....		3,047				3,047				3,047
	Realign APS Unit Set Requirements to Base .....						[-3,047]				
148	TRACTOR, FULL TRACKED .....		4,426				4,426				4,426
	Realign APS Unit Set Requirements to Base .....						[-4,426]				
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) .....		2,900				2,900				2,900
	Realign APS Unit Set Requirements to Base .....						[-2,900]				

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
155	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....		96				96				96
	Realign APS Unit Set Requirements to Base .....				[-96]						
	<b>GENERATORS</b>										
158	GENERATORS AND ASSOCIATED EQUIP .....		21,861		1,900		21,861				21,861
	Realign APS Unit Set Requirements to Base .....				[-19,961]						
	<b>MATERIAL HANDLING EQUIPMENT</b>										
160	FAMILY OF FORKLIFTS .....		846				846				846
	Realign APS Unit Set Requirements to Base .....				[-846]						
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>										
168	TEST EQUIPMENT MODERNIZATION (TEMOD) .....		1,140				1,140				1,140
	Realign APS Unit Set Requirements to Base .....				[-1,140]						
	<b>OTHER SUPPORT EQUIPMENT</b>										
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		8,500		8,500		8,500				8,500
	<b>TOTAL OTHER PROCUREMENT, ARMY .....</b>	<b>899</b>	<b>1,309,610</b>	<b>899</b>	<b>697,582</b>	<b>899</b>	<b>1,309,610</b>			<b>899</b>	<b>1,309,610</b>
	<b>JOINT IMPROVISED-THREAT DEFEAT FUND</b>										
	<b>NETWORK ATTACK</b>										
001	RAPID ACQUISITION AND THREAT RESPONSE .....		332,000		307,000		332,000				332,000
	Program decrease .....				[-25,000]						
	<b>STAFF AND INFRASTRUCTURE</b>										
002	MISSION ENABLERS .....		62,800		62,800		62,800				62,800
	<b>TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND .....</b>	<b>394,800</b>	<b>394,800</b>	<b>394,800</b>	<b>369,800</b>	<b>394,800</b>	<b>394,800</b>			<b>394,800</b>	<b>394,800</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
002	F/A-18E/F (FIGHTER) HORNET .....	2	184,912	2	184,912	2	184,912			2	184,912
	<b>OTHER AIRCRAFT</b>										
026	STUASLO UAV .....	4	70,000	4	70,000	4	70,000			4	70,000
	<b>MODIFICATION OF AIRCRAFT</b>										
037	EP-3 SERIES .....		7,505		7,505		7,505				7,505
047	SPECIAL PROJECT AIRCRAFT .....		14,869		14,869		14,869				14,869
051	COMMON ECM EQUIPMENT .....		70,780		70,780		70,780				70,780
059	V-22 (TILT/ROTOR ACFT) OSPREY .....		8,740		8,740		8,740				8,740
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
063	SPARES AND REPAIR PARTS .....		1,500		1,500		1,500				1,500
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>										
065	AIRCRAFT INDUSTRIAL FACILITIES .....		524		524		524				524
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>6</b>	<b>358,830</b>	<b>6</b>	<b>358,830</b>	<b>6</b>	<b>358,830</b>			<b>6</b>	<b>358,830</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>TACTICAL MISSILES</b>										
010	HELLFIRE .....	100	8,600	100	8,600	100	8,600			100	8,600
	<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>100</b>	<b>8,600</b>	<b>100</b>	<b>8,600</b>	<b>100</b>	<b>8,600</b>			<b>100</b>	<b>8,600</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>										
	<b>NAVY AMMUNITION</b>										
001	GENERAL PURPOSE BOMBS .....		40,366		40,366		40,366				40,366
002	AIRBORNE ROCKETS, ALL TYPES .....		8,860		8,860		8,860				8,860
006	AIR EXPENDABLE COUNTERMEASURES .....		7,060		7,060		7,060				7,060
013	PYROTECHNIC AND DEMOLITION .....		1,122		1,122		1,122				1,122
014	AMMUNITION LESS THAN \$5 MILLION .....		3,495		3,495		3,495				3,495
	<b>MARINE CORPS AMMUNITION</b>										
015	SMALL ARMS AMMUNITION .....		1,205		1,205		1,205				1,205
017	40 MM, ALL TYPES .....		539		539		539				539
018	60MM, ALL TYPES .....		909		909		909				909
020	120MM, ALL TYPES .....		530		530		530				530
022	ROCKETS, ALL TYPES .....		469		469		469				469
023	ARTILLERY, ALL TYPES .....		1,196		1,196		1,196				1,196
024	DEMOLITION MUNITIONS, ALL TYPES .....		261		261		261				261
025	FUZE, ALL TYPES .....		217		217		217				217
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>		<b>66,229</b>		<b>66,229</b>		<b>66,229</b>				<b>66,229</b>
	<b>OTHER PROCUREMENT, NAVY</b>										
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>										
081	DCGS-N .....		12,000		12,000		12,000				12,000
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>										
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		40,000		40,000		40,000				40,000
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
124	FIRE FIGHTING EQUIPMENT .....		630		630		630				630
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
133	FIRST DESTINATION TRANSPORTATION .....		25		25		25				25



SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
002	MEDIUM TACTICAL VEHICLE .....		9,066		9,066		9,066				9,066
004	ITEMS LESS THAN \$5 MILLION .....		12,264		12,264		12,264				12,264
	<b>SPECIAL PURPOSE VEHICLES</b>										
006	ITEMS LESS THAN \$5 MILLION .....		16,789		16,789		16,789				16,789
	<b>FIRE FIGHTING EQUIPMENT</b>										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....		48,590		48,590		48,590				48,590
	<b>MATERIALS HANDLING EQUIPMENT</b>										
008	ITEMS LESS THAN \$5 MILLION .....		2,366		2,366		2,366				2,366
	<b>BASE MAINTENANCE SUPPORT</b>										
009	RUNWAY SNOW REMOV & CLEANING EQUIP .....		6,468		6,468		6,468				6,468
010	ITEMS LESS THAN \$5 MILLION .....		9,271		9,271		9,271				9,271
	<b>ELECTRONICS PROGRAMS</b>										
016	AIR TRAFFIC CONTROL & LANDING SYS .....		42,650		42,650		42,650				42,650
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
029	AIR FORCE PHYSICAL SECURITY SYSTEM .....		7,500		7,500		7,500				7,500
033	C3 COUNTERMEASURES .....		620		620		620				620
	<b>ORGANIZATION AND BASE</b>										
052	TACTICAL C-E EQUIPMENT .....		8,100		8,100		8,100				8,100
	<b>MODIFICATIONS</b>										
056	COMM ELECT MODS .....		3,800		3,800		3,800				3,800
	<b>BASE SUPPORT EQUIPMENT</b>										
061	ENGINEERING AND EOD EQUIPMENT .....		53,900		53,900		53,900				53,900
	<b>SPECIAL SUPPORT PROJECTS</b>										
067	DCGS-AF .....		800		800		800				800
	<b>CLASSIFIED PROGRAMS</b>										
070A	CLASSIFIED PROGRAMS .....		3,609,978		3,609,978		3,609,978				3,609,978
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....		<b>3,834,165</b>		<b>3,834,165</b>		<b>3,834,165</b>				<b>3,834,165</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DISA</b>										
007	TELEPORT PROGRAM .....		1,900		1,900		1,900				1,900
	<b>CLASSIFIED PROGRAMS</b>										
040A	CLASSIFIED PROGRAMS .....		32,482		32,482		32,482				32,482
	<b>AVIATION PROGRAMS</b>										
041	MC-12 .....		5,000		5,000		5,000				5,000
043	UNMANNED ISR .....		11,880		11,880		11,880				11,880
046	U-28 .....		38,283		38,283		38,283				38,283
	<b>AMMUNITION PROGRAMS</b>										
057	ORDNANCE ITEMS <\$5M .....		52,504		52,504		52,504				52,504
	<b>OTHER PROCUREMENT PROGRAMS</b>										
058	INTELLIGENCE SYSTEMS .....		22,000		22,000		22,000				22,000
060	OTHER ITEMS <\$5M .....		11,580		11,580		11,580				11,580
062	SPECIAL PROGRAMS .....		13,549		13,549		13,549				13,549
063	TACTICAL VEHICLES .....		3,200		3,200		3,200				3,200
069	OPERATIONAL ENHANCEMENTS .....		42,056		42,056		42,056		-19,250		22,806
	Classified adjustment .....								[-19,250]		
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....		<b>234,434</b>		<b>234,434</b>		<b>234,434</b>		<b>-19,250</b>		<b>215,184</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>13,037</b>	<b>8,614,221</b>	<b>13,037</b>	<b>7,430,766</b>	<b>13,037</b>	<b>8,603,868</b>		<b>90,700</b>	<b>13,037</b>	<b>8,704,921</b>

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>AIRCRAFT PROCUREMENT, ARMY</b>										
	<b>FIXED WING</b>										
003	MQ-1 UAV .....				95,100						
	Army unfunded requirement .....				[95,100]						
	<b>ROTARY</b>										
005	HELICOPTER, LIGHT UTILITY (LUH) .....			17	110,000						
	Army unfunded requirement (ARI) .....			[17]	[110,000]						
006	AH-64 APACHE BLOCK IIIA REMAN .....	4	78,040	4	78,040	4	78,040			4	78,040
007	ADVANCE PROCUREMENT (CY) .....			10	72,900						
	Army unfunded requirement (ARI) .....			[10]	[72,900]						
007A	AH-64 APACHE BLOCK IIIA NEW BUILD .....			5	190,000						
	Army unfunded requirement (ARI) .....			[5]	[190,000]						
008	UH-60 BLACKHAWK M MODEL (MYP) .....			36	440,200						

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Army unfunded requirement (ARI) .....			[36]	[440,200]						
	<b>MODIFICATION OF AIRCRAFT</b>										
017	CH-47 CARGO HELICOPTER MODS (MYP) .....				102,000						
	Army unfunded requirement (ARI) .....				[102,000]						
	<b>GROUND SUPPORT AVIONICS</b>										
028	AIRCRAFT SURVIVABILITY EQUIPMENT .....				22,000						
	Army unfunded requirement-modernized warning system (ARI) .....				[22,000]						
029	SURVIVABILITY CM .....				28,000						
	Army unfunded requirement-assured PNT (ARI) .....				[28,000]						
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>4</b>	<b>78,040</b>	<b>72</b>	<b>1,138,240</b>	<b>4</b>	<b>78,040</b>			<b>4</b>	<b>78,040</b>
	<b>MISSILE PROCUREMENT, ARMY</b>										
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
004	HELLFIRE SYS SUMMARY .....	1,485	150,000	1,485	150,000	1,485	150,000			1,485	150,000
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>										
007	JAVELIN (AAWS-M) SYSTEM SUMMARY .....			591	104,200				104,200		104,200
	Army unfunded requirement .....			[591]	[104,200]				[104,200]		
010	GUIDED MLRS ROCKET (GMLRS) .....			1,158	76,000				76,000		76,000
	Army unfunded requirement .....			[1,158]	[76,000]				[76,000]		
	<b>MODIFICATIONS</b>										
014	ATACMS MODS .....			17	15,900				15,900		15,900
	Army unfunded requirement .....			[17]	[15,900]				[15,900]		
	<b>TOTAL MISSILE PROCUREMENT, ARMY .....</b>	<b>1,485</b>	<b>150,000</b>	<b>3,251</b>	<b>346,100</b>	<b>1,485</b>	<b>150,000</b>		<b>196,100</b>	<b>1,485</b>	<b>346,100</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>										
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....			16	72,000						
	Army unfunded requirement .....			[16]	[72,000]						
013	M1 ABRAMS TANK (MOD) .....				140,000						
	Army unfunded requirement—Industrial base risk mitigation .....				[60,000]						
	Army unfunded requirement—Vehicle APS .....				[80,000]						
	<b>UNDISTRIBUTED</b>										
036A	UNDISTRIBUTED .....				55,100						
	Additional funding to support increase in Army end strength .....				[55,100]						
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY .....</b>			<b>16</b>	<b>267,100</b>						
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>										
	<b>SMALL/MEDIUM CAL AMMUNITION</b>										
001	CTG, 5.56MM, ALL TYPES .....				4,000				4,000		4,000
	Army unfunded requirement .....				[4,000]				[4,000]		
002	CTG, 7.62MM, ALL TYPES .....				14,000				14,000		14,000
	Army unfunded requirement .....				[14,000]				[14,000]		
003	CTG, HANDGUN, ALL TYPES .....				9,000				9,000		9,000
	Army unfunded requirement .....				[9,000]				[9,000]		
004	CTG, .50 CAL, ALL TYPES .....				21,000				20,000		20,000
	Army unfunded requirement .....				[21,000]				[20,000]		
005	CTG, 20MM, ALL TYPES .....				14,000				14,000		14,000
	Army unfunded requirement .....				[14,000]				[14,000]		
007	CTG, 30MM, ALL TYPES .....				8,200				8,200		8,200
	Army unfunded requirement .....				[8,200]				[8,200]		
	<b>MORTAR AMMUNITION</b>										
011	120MM MORTAR, ALL TYPES .....				30,000				30,000		30,000
	Army unfunded requirement .....				[30,000]				[30,000]		
	<b>TANK AMMUNITION</b>										
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....				35,000				35,000		35,000
	Army unfunded requirement .....				[35,000]				[35,000]		
	<b>ARTILLERY AMMUNITION</b>										
015	PROJ 155MM EXTENDED RANGE M982 .....			332	23,500			332	23,500	332	23,500
	Army unfunded requirement .....			[332]	[23,500]			[332]	[23,500]		
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....				10,000				10,000		10,000
	Army unfunded requirement .....				[10,000]				[10,000]		
	<b>ROCKETS</b>										
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....				30,000				30,000		30,000
	Army unfunded requirement .....				[30,000]				[30,000]		
020	ROCKET, HYDRA 70, ALL TYPES .....			44,606	42,500			44,606	42,500	44,606	42,500
	Army unfunded requirement .....			[44,106]	[27,500]			[44,106]	[27,500]		
	Army unfunded requirement- guided hydra rockets .....			[500]	[15,000]			[500]	[15,000]		
	<b>UNDISTRIBUTED</b>										
034A	UNDISTRIBUTED .....				46,500						

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Additional funding to support increase in Army end strength.				[46,500]						
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....			44,938	287,700			44,938	240,200	44,938	240,200
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	449	152,000	449	152,000	449	152,000			449	152,000
	<b>COMM—JOINT COMMUNICATIONS</b>										
019	WIN-T—GROUND FORCES TACTICAL NETWORK .....				80,000						
	BBA Restoration—2BCTs - Increment 2 .....				[80,000]						
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
080	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....				8,400						
	Army unfunded requirement- CRAM Upgrades and MODS.				[8,400]						
	<b>GENERATORS</b>										
158	GENERATORS AND ASSOCIATED EQUIP .....		9,900		9,900		9,900				9,900
	<b>UNDISTRIBUTED</b>										
180	UNDISTRIBUTED .....				18,400						
	Additional funding to support increase in Army end strength.				[18,400]						
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	449	161,900	449	268,700	449	161,900			449	161,900
	<b>JOINT IMPROVISED-THREAT DEFEAT FUND</b>										
	<b>NETWORK ATTACK</b>										
001	RAPID ACQUISITION AND THREAT RESPONSE .....		113,272		113,272		113,272				113,272
	<b>TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND</b>		113,272		113,272		113,272				113,272
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
002	F/A—18E/F (FIGHTER) HORNET .....			14	1,400,000						
	Navy unfunded requirement .....			[14]	[1,400,000]						
003	JOINT STRIKE FIGHTER CV .....			4	540,000						
	Marine Corps unfunded requirement .....			[2]	[270,000]						
	Navy unfunded requirement .....			[2]	[270,000]						
005	JSF STOVL .....			2	254,200						
	Marine Corps unfunded requirement .....			[2]	[254,200]						
009	V—22 (MEDIUM LIFT) .....			2	150,000						
	Marine Corps unfunded requirement .....			[2]	[150,000]						
011	H—1 UPGRADES (UH—1Y/AH—1Z) .....			2	57,000						
	Marine Corps unfunded requirement- AH—1Zs .....			[2]	[57,000]						
	<b>AIRLIFT AIRCRAFT</b>										
019A	C—40A .....			4	415,000						
	Marine Corps unfunded requirement .....			[2]	[207,500]						
	Navy unfunded requirement .....			[2]	[207,500]						
	<b>OTHER AIRCRAFT</b>										
023	MQ—4 TRITON .....			1	95,000						
	Additional system—ISR shortfalls .....			[1]	[95,000]						
025	MQ—8 UAV .....			4	47,500						
	Scope Increase .....			[4]	[47,500]						
	<b>MODIFICATION OF AIRCRAFT</b>										
034	H—53 SERIES .....				16,100						
	Accelerate readiness improvement .....				[2,800]						
	Marine Corps unfunded requirement- degraded visual environment.				[13,300]						
035	SH—60 SERIES .....		3,000		3,000		3,000				3,000
036	H—1 SERIES .....		3,740		27,140		3,740				3,740
	Accelerate readiness improvement .....				[23,400]						
051	COMMON ECM EQUIPMENT .....		27,460		27,460		27,460				27,460
059	V—22 (TILT/ROTOR ACFT) OSPREY .....				39,300						
	Marine Corps unfunded requirement- SPMAGTF- C4 UUNS.				[39,300]						
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
063	SPARES AND REPAIR PARTS .....				140,300						
	KC—130J spares .....				[36,000]						
	Marine Corps unfunded requirement- F35 B spares ..				[91,000]						
	Marine Corps unfunded requirement- F35 C spares ..				[13,300]						
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....		34,200	33	3,212,000		34,200				34,200
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>STRATEGIC MISSILES</b>										
003	TOMAHAWK .....			98	76,000				84,200		84,200
	Scope Increase .....			[98]	[76,000]				[84,200]		

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
<b>TACTICAL MISSILES</b>											
005	SIDEWINDER .....			75	33,000					75	33,000
	Navy unfunded requirement .....			[75]	[33,000]			[75]	[33,000]		
015A	LCS OVER-THE-HORIZON MISSILE .....			8	18,100						
	Navy unfunded requirement .....			[8]	[18,100]						
	<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>			<b>181</b>	<b>127,100</b>					<b>75</b>	<b>117,200</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>											
<b>NAVY AMMUNITION</b>											
001	GENERAL PURPOSE BOMBS .....				58,000					58,000	58,000
	Navy unfunded requirement—JDAM components .....				[58,000]					[58,000]	
<b>MARINE CORPS AMMUNITION</b>											
023	ARTILLERY, ALL TYPES .....									19,200	19,200
	Marine Corps unfunded requirement- GMLRS AW munitions.									[19,200]	
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>				<b>58,000</b>					<b>77,200</b>	<b>77,200</b>
<b>SHIPBUILDING AND CONVERSION, NAVY</b>											
<b>OTHER WARSHIPS</b>											
003	ADVANCE PROCUREMENT (CY) .....				263,000						
	Advance Procurement for CVN-81 .....				[263,000]						
005	ADVANCE PROCUREMENT (CY) .....				85,000						
	Long-lead Time Materiel Orders .....				[85,000]						
009	DDG-51 .....			1	433,000						
	Scope Increase .....			[1]	[433,000]						
011	LITTORAL COMBAT SHIP .....			1	384,700						
	Scope Increase .....			[1]	[384,700]						
<b>AMPHIBIOUS SHIPS</b>											
012A	AMPHIBIOUS SHIP REPLACEMENT LX(R) .....			1	856,000						
	Procurement of LPD-29 or LX (R) .....			[1]	[856,000]						
<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>											
026	SHIP TO SHORE CONNECTOR .....			3	165,000						
	Scope Increase .....			[3]	[165,000]						
028	LCAC SLEP .....			4	80,300						
	Scope Increase .....			[4]	[80,300]						
	<b>TOTAL SHIPBUILDING AND CONVERSION, NAVY .....</b>			<b>10</b>	<b>2,267,000</b>						
<b>OTHER PROCUREMENT, NAVY</b>											
<b>OTHER SHIPBOARD EQUIPMENT</b>											
009	DDG MOD .....			1	65,000						
	Scope Increase .....			[1]	[65,000]						
<b>SMALL BOATS</b>											
032	STANDARD BOATS .....				20,000						
	Program Acceleration .....				[20,000]						
<b>OTHER SHIP SUPPORT</b>											
039A	LCS LAUNCHER .....			2	24,900						
	Navy unfunded requirement .....			[2]	[24,900]						
<b>AIRCRAFT SUPPORT EQUIPMENT</b>											
104	WEAPONS RANGE SUPPORT EQUIPMENT .....				9,000						
	Navy unfunded requirement—Barking Sands Tactical Underwater Range.				[9,000]						
<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>											
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		59,329		59,329			59,329			59,329
	<b>TOTAL OTHER PROCUREMENT, NAVY .....</b>		<b>59,329</b>	<b>3</b>	<b>178,229</b>			<b>59,329</b>			<b>59,329</b>
<b>PROCUREMENT, MARINE CORPS</b>											
<b>ARTILLERY AND OTHER WEAPONS</b>											
004	155MM LIGHTWEIGHT TOWED HOWITZER .....				14,000						
	Marine Corps unfunded requirement- chrome tubes ..				[14,000]						
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....				19,200						
	Program Increase- 148 additional GMLRS .....				[19,200]						
<b>OTHER SUPPORT (NON-TEL)</b>											
036	COMMAND POST SYSTEMS .....				40,800						
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS.				[40,800]						
	<b>TOTAL PROCUREMENT, MARINE CORPS .....</b>				<b>74,000</b>						
<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>											
<b>TACTICAL FORCES</b>											
001	F-35 .....			5	690,500						
	Air Force unfunded requirement .....			[5]	[690,500]						
<b>OTHER AIRLIFT</b>											

SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
004	C-130J .....			3	271,500						
	Scope Increase .....			[3]	[271,500]						
	<b>HELICOPTERS</b>										
010	UH-1N REPLACEMENT .....				80,000						
	Program increase to address urgent need .....				[80,000]						
	<b>OTHER AIRCRAFT</b>										
015	MQ-9 .....	12	179,430	12	179,430	12	179,430			12	179,430
015A	EC-130H .....			1	103,000						
	Scope increase .....			[1]	[103,000]						
	<b>TACTICAL AIRCRAFT</b>										
020	A-10 .....				218,500						
	A-10 wing upgrades .....				[120,000]						
	Air Force unfunded requirement- A-10 antijam GPS .....				[10,300]						
	Air Force unfunded requirement- A-10 situation awareness upgrade kits .....				[23,200]						
	Air Force unfunded requirement- ASE radar warning receiver upgrades .....				[65,000]						
021	F-15 .....				60,400						
	Air Force unfunded requirement- ASE radar warning receiver upgrades .....				[60,400]						
022	F-16 .....				187,500						
	Air Force unfunded requirement- antijam GPS .....				[5,000]						
	Air Force unfunded requirement- missile warning system .....				[12,000]						
	Air Force unfunded requirement- radar warning receiver upgrades .....				[170,500]						
	<b>OTHER AIRCRAFT</b>										
049	E-8 .....			2	17,500						
	Additional 2 PME-DMS kits .....			[2]	[17,500]						
054	H-60 .....				70,700						
	Air Force unfunded requirement- ASE radar warning receivers .....				[70,700]						
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....</b>	<b>12</b>	<b>179,430</b>	<b>23</b>	<b>1,879,030</b>	<b>12</b>	<b>179,430</b>			<b>12</b>	<b>179,430</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>TACTICAL</b>										
007	SMALL DIAMETER BOMB .....	4,195	167,800	4,195	167,800	4,195	167,800			4,195	167,800
	<b>CLASS IV</b>										
011	AGM-65D MAVERICK .....		16,900		16,900		16,900				16,900
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE .....</b>	<b>4,195</b>	<b>184,700</b>	<b>4,195</b>	<b>184,700</b>	<b>4,195</b>	<b>184,700</b>			<b>4,195</b>	<b>184,700</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>										
	<b>ROCKETS</b>										
001	ROCKETS .....		60,000		60,000		60,000				60,000
	<b>BOMBS</b>										
006	JOINT DIRECT ATTACK MUNITION .....	12,498	263,000	12,498	263,000	12,498	263,000			12,498	263,000
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.</b>	<b>12,498</b>	<b>323,000</b>	<b>12,498</b>	<b>323,000</b>	<b>12,498</b>	<b>323,000</b>			<b>12,498</b>	<b>323,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DISA</b>										
007	TELEPORT PROGRAM .....		2,000		2,000		2,000				2,000
016	DEFENSE INFORMATION SYSTEMS NETWORK .....		2,000		2,000		2,000				2,000
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE .....</b>		<b>4,000</b>		<b>4,000</b>		<b>4,000</b>				<b>4,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>18,643</b>	<b>1,287,871</b>	<b>65,669</b>	<b>10,728,171</b>	<b>18,643</b>	<b>1,287,871</b>	<b>45,013</b>	<b>630,700</b>	<b>63,656</b>	<b>1,918,571</b>

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>					
		<b>BASIC RESEARCH</b>					
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	12,381	12,381	12,381		12,381
002	0601102A	DEFENSE RESEARCH SCIENCES .....	253,116	253,116	253,116		253,116
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	69,166	69,166	69,166		69,166

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	94,280	94,280	94,280		94,280
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>428,943</b>	<b>428,943</b>	<b>428,943</b>		<b>428,943</b>
		<b>APPLIED RESEARCH</b>					
005	0602105A	MATERIALS TECHNOLOGY .....	31,533	31,533	37,033	5,500	37,033
		Ground vehicle coating system .....			[5,500]	[5,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	36,109	36,109	38,109	2,000	38,109
		Program increase .....			[2,000]	[2,000]	
007	0602122A	TRACTOR HIP .....	6,995	6,995	6,995		6,995
008	0602211A	AVIATION TECHNOLOGY .....	65,914	65,914	65,914		65,914
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	25,466	25,466	25,466		25,466
010	0602303A	MISSILE TECHNOLOGY .....	44,313	44,313	44,313		44,313
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	28,803	28,803	28,803		28,803
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	27,688	27,688	27,688		27,688
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	67,959	67,959	67,959		67,959
014	0602618A	BALLISTICS TECHNOLOGY .....	85,436	85,436	85,436		85,436
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	3,923	3,923	3,923		3,923
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	5,545	5,545	5,545		5,545
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	53,581	53,581	53,581		53,581
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	56,322	56,322	56,322		56,322
019	0602709A	NIGHT VISION TECHNOLOGY .....	36,079	36,079	36,079		36,079
020	0602712A	COUNTERMINE SYSTEMS .....	26,497	26,497	26,497		26,497
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	23,671	23,671	23,671		23,671
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	22,151	22,151	22,151		22,151
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	37,803	37,803	37,803		37,803
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	13,811	13,811	13,811		13,811
025	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	67,416	67,416	67,416		67,416
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	26,045	26,045	21,045		26,045
		Decrease for social science research .....			[-5,000]		
027	0602786A	WARFIGHTER TECHNOLOGY .....	37,403	42,403	37,403	5,000	42,403
		Program Increase .....		[5,000]		[5,000]	
028	0602787A	MEDICAL TECHNOLOGY .....	77,111	77,111	77,111		77,111
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>907,574</b>	<b>912,574</b>	<b>910,074</b>	<b>12,500</b>	<b>920,074</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	38,831	38,831	38,831		38,831
030	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	68,365	68,365	68,365		68,365
031	0603003A	AVIATION ADVANCED TECHNOLOGY .....	94,280	94,280	94,280		94,280
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	68,714	68,714	68,714		68,714
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	122,132	122,132	172,132	30,000	152,132
		Emerging requirement .....			[50,000]	[30,000]	
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY .....	3,904	3,904	3,904		3,904
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	14,417	14,417	14,417		14,417
037	0603009A	TRACTOR HIKE .....	8,074	21,374	8,074	13,300	21,374
		Classified adjustment .....		[13,300]		[13,300]	
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	18,969	18,969	18,969		18,969
039	0603020A	TRACTOR ROSE .....	11,910	11,910	11,910		11,910
040	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	27,686	27,686	27,686		27,686
041	0603130A	TRACTOR NAIL .....	2,340	2,340	2,340		2,340
042	0603131A	TRACTOR EGGS .....	2,470	2,470	2,470		2,470
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	27,893	27,893	22,893		27,893
		General decrease .....			[-5,000]		
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	52,190	52,190	52,190		52,190
045	0603322A	TRACTOR CAGE .....	11,107	11,107	11,107		11,107
046	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	177,190	179,190	177,190	2,000	179,190
		Program increase .....		[2,000]		[2,000]	
047	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	17,451	17,451	17,451		17,451
048	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	5,839	5,839	5,839		5,839
049	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	44,468	44,468	44,468		44,468
050	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	11,137	11,137	11,137		11,137

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
051	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	20,684	20,684	20,684		20,684
052	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	44,239	44,239	39,239		44,239
		General program decrease .....			[−5,000]		
053	0603794A	C3 ADVANCED TECHNOLOGY .....	35,775	35,775	35,775		35,775
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>930,065</b>	<b>945,365</b>	<b>970,065</b>	<b>45,300</b>	<b>975,365</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	9,433	9,433	9,433		9,433
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	23,056	23,056	23,056		23,056
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	72,117	72,117	72,117		72,117
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	28,244	28,244	28,244		28,244
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	40,096	40,096	40,096		40,096
059	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,506	10,506	10,506		10,506
060	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	15,730	15,730	15,730		15,730
061	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,321	10,321	10,321		10,321
062	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	7,785	7,785	7,785		7,785
063	0603790A	NATO RESEARCH AND DEVELOPMENT .....	2,300	2,300	2,300		2,300
064	0603801A	AVIATION—ADV DEV .....	10,014	10,014	10,014		10,014
065	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	20,834	20,834	20,834		20,834
066	0603807A	MEDICAL SYSTEMS—ADV DEV .....	33,503	41,003	33,503		33,503
		Program increase .....		[7,500]			
067	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	31,120	31,120	40,520	9,400	40,520
		Accelerate small arms improvement .....			[9,400]	[9,400]	
068	0604100A	ANALYSIS OF ALTERNATIVES .....	6,608	6,608	6,608		6,608
069	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR .....	35,132	35,132	35,132		35,132
070	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	70,047	70,047	70,047	−9,009	61,038
		Excess growth .....				[−9,009]	
071	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) .....	83,279	83,279	83,279		83,279
073	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT .....	40,510	40,510	40,510	−10,000	30,510
		Inadequate justification .....				[−10,000]	
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>550,635</b>	<b>558,135</b>	<b>560,035</b>	<b>−9,609</b>	<b>541,026</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
074	0604201A	AIRCRAFT AVIONICS .....	83,248	83,248	83,248		83,248
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	34,642	34,642	34,642		34,642
077	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVr) .....	12,172	12,172	12,172		12,172
078	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	3,958	3,958	3,958		3,958
079	0604328A	TRACTOR CAGE .....	12,525	12,525	12,525		12,525
080	0604601A	INFANTRY SUPPORT WEAPONS .....	66,943	66,943	66,943		66,943
082	0604611A	JAVELIN .....	20,011	20,011	20,011		20,011
083	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	11,429	11,429	11,429		11,429
084	0604633A	AIR TRAFFIC CONTROL .....	3,421	3,421	3,421		3,421
085	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	39,282	39,282	39,282		39,282
086	0604642A	LIGHT TACTICAL WHEELED VEHICLES .....	494	494	494		494
087	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV .....	9,678	9,678	9,678		9,678
088	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	84,519	84,519	84,519		84,519
089	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,054	2,054	2,054		2,054
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	30,774	30,774	30,774		30,774
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV ....	53,332	61,332	53,332	8,000	61,332
		Program increase- all digital radar technology for CRAM .....		[8,000]		[8,000]	
092	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	17,887	17,887	17,887		17,887
093	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	8,813	8,813	8,813		8,813
094	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	10,487	10,487	10,487		10,487
095	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	15,068	15,068	15,068		15,068
096	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	89,716	89,716	89,716		89,716
097	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	80,365	80,365	80,365		80,365
098	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	75,098	86,198	75,098	11,100	86,198
		Program Increase- next generation signature management .....		[11,100]		[11,100]	
099	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	4,245	4,245	4,245		4,245

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100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124	41,124		41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	39,630	39,630	39,630		39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	205,590	205,590	205,590		205,590
103	0604820A	RADAR DEVELOPMENT .....	15,983	15,983	15,983		15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB) .....	6,805	6,805	6,805		6,805
105	0604823A	FIREFINDER .....	9,235	9,235	9,235		9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	12,393	12,393	12,393		12,393
107	0604854A	ARTILLERY SYSTEMS—EMD .....	1,756	1,756	1,756		1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	74,236	74,236	74,236		74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	155,584	155,584	135,584	-11,000	144,584
		Unjustified growth .....			[-20,000]	[-11,000]	
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) .....	184,221	184,221	184,221		184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980	4,980		4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC) .....	15,041	15,041	15,041		15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN) .....	16,014	16,014	16,014		16,014
114	0605032A	TRACTOR TIRE .....	27,254	27,254	27,254		27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032	5,032		5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS) .....	2,904	2,904	2,904		2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	96,977	96,977	96,977		96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD) .....	2,089	2,089	2,089		2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT .....	33,836	33,836	33,836		33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER) .....	18,824	18,824	18,824		18,824
121	0605047A	CONTRACT WRITING SYSTEM .....	20,663	20,663			20,663
		Unjustified request .....			[-20,663]		
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	41,133	41,133	54,133		41,133
		ASE unfunded requirement .....			[13,000]		
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1 .....	83,995	83,995	83,995		83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS) .....	5,028	5,028	5,028		5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	42,972	42,972	42,972		42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	252,811	252,811	252,811		252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP) .....	4,955	4,955	4,955		4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530	11,530		11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT .....	2,142	2,142	2,142		2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM) .....	41,498	41,498	41,498		41,498
135	0303032A	TROJAN—RH12 .....	4,273	4,273	4,273		4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	14,425	14,425	14,425		14,425
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>2,265,094</b>	<b>2,284,194</b>	<b>2,237,431</b>	<b>8,100</b>	<b>2,273,194</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
137	0604256A	THREAT SIMULATOR DEVELOPMENT .....	25,675	25,675	25,675		25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT .....	19,122	19,122	19,122		19,122
139	0604759A	MAJOR T&E INVESTMENT .....	84,777	84,777	84,777		84,777
140	0605103A	RAND ARROYO CENTER .....	20,658	20,658	20,658		20,658
141	0605301A	ARMY KWAJALEIN ATOLL .....	236,648	236,648	236,648		236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	25,596	25,596	25,596		25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES .....	293,748	293,748	293,748		293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	52,404	52,404	52,404		52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	38,571	38,571	38,571		38,571
147	0605606A	AIRCRAFT CERTIFICATION .....	4,665	4,665	4,665		4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	6,925	6,925	6,925		6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS .....	21,677	21,677	21,677		21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	12,415	12,415	12,415		12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING .....	49,684	49,684	49,684		49,684
152	0605716A	ARMY EVALUATION CENTER .....	55,905	55,905	55,905		55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	7,959	7,959	7,959		7,959
154	0605801A	PROGRAMWIDE ACTIVITIES .....	51,822	51,822	51,822		51,822

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155	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	33,323	33,323	35,823		33,323
		Program increase Geospatial .....			[2,500]		
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	40,545	40,545	40,545		40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	2,130	2,130	2,130		2,130
158	0605898A	MANAGEMENT HQ—R&D .....	49,885	49,885	49,885		49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE .....	2,000	2,000	2,000		2,000
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,136,134</b>	<b>1,136,134</b>	<b>1,138,634</b>		<b>1,136,134</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	9,663	9,663	9,663		9,663
162	0603813A	TRACTOR PULL .....	3,960	3,960	3,960		3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT .....	3,638	3,638	3,638		3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS .....	14,517	14,517	14,517		14,517
165	0607133A	TRACTOR SMOKE .....	4,479	4,479	4,479		4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF) .....	39,275	39,275	39,275		39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM .....	66,441	66,441	66,441		66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM .....	46,765	46,765	46,765		46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM .....	91,848	91,848	91,848		91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM .....	796	796	796		796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM .....	126,105	126,105	126,105		126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE .....	2,369	2,369	2,369		2,369
173	0607141A	LOGISTICS AUTOMATION .....	4,563	4,563	4,563		4,563
174	0607665A	FAMILY OF BIOMETRICS .....	12,098	12,098	12,098		12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	49,482	49,482	49,482		49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE .....	45,482	2,482	4,482	−43,000	2,482
		Program reduction .....		[−43,000]	[−41,000]	[−43,000]	
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs) .....	30,455	30,455	30,455		30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	316,857	316,857	328,857		316,857
		APS unfunded requirement .....			[12,000]		
180	0203740A	MANEUVER CONTROL SYSTEM .....	4,031	4,031	4,031		4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	35,793	35,793	35,793		35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	259	259	259		259
183	0203758A	DIGITIZATION .....	6,483	6,483	6,483		6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	5,122	5,122	5,122		5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....	7,491	7,491	7,491		7,491
186	0203808A	TRACTOR CARD .....	20,333	20,333	20,333		20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT .....	124	124	124		124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM .....	69,417	69,417	69,417		69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS) .....	22,044	22,044	22,044		22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM .....	12,649	12,649	12,649		12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	11,619	11,619	11,619		11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	38,280	38,280	38,280		38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	27,223	27,223	2,023		27,223
		GCSS unjustified request .....			[−25,200]		
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	18,815	18,815	18,815		18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	4,718	4,718	4,718		4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	8,218	8,218	8,218		8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS .....	11,799	11,799	11,799		11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	32,284	32,284	284		32,284
		Change in tactical requirements .....			[−32,000]		
205	0305219A	MQ−1C GRAY EAGLE UAS .....	13,470	13,470	13,470		13,470
206	0305232A	RQ−11 UAV .....	1,613	1,613	1,613		1,613
207	0305233A	RQ−7 UAV .....	4,597	4,597	4,597		4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING .....	4,867	4,867	4,867		4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	62,287	62,287	62,287		62,287
210A	9999999999	CLASSIFIED PROGRAMS .....	4,625	4,625	4,625		4,625
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,296,954</b>	<b>1,253,954</b>	<b>1,210,754</b>	<b>−43,000</b>	<b>1,253,954</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>7,515,399</b>	<b>7,519,299</b>	<b>7,455,936</b>	<b>13,291</b>	<b>7,528,690</b>

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<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>							
<b>BASIC RESEARCH</b>							
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	101,714	121,714	101,714	20,000	121,714
		Program increase .....		[20,000]		[20,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,508	18,508	18,508		18,508
003	0601153N	DEFENSE RESEARCH SCIENCES .....	422,748	422,748	422,748		422,748
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>542,970</b>	<b>562,970</b>	<b>542,970</b>	<b>20,000</b>	<b>562,970</b>
<b>APPLIED RESEARCH</b>							
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	41,371	41,371	41,371		41,371
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	158,745	158,745	158,745		158,745
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	51,590	51,590	51,590		51,590
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,185	41,185	41,185		41,185
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	45,467	45,467	45,467		45,467
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	118,941	118,941	118,941		118,941
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	42,618	74,618	42,618	30,000	72,618
		Service Life Extension Program—AGOR .....		[32,000]		[30,000]	
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,327	6,327	6,327		6,327
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	126,313	126,313	136,313		126,313
		Program increase .....			[10,000]		
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	165,103	165,103	165,103		165,103
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	33,916	33,916	33,916		33,916
015	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS .....	29,575	29,575	29,575		29,575
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>861,151</b>	<b>893,151</b>	<b>871,151</b>	<b>30,000</b>	<b>891,151</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>							
016	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	96,406	106,406	81,406		96,406
		General decrease .....			[-15,000]		
		Program increase for common mount .....		[10,000]			
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	48,438	48,438	48,438		48,438
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	26,421	26,421	26,421		26,421
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	140,416	140,416	140,416		140,416
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	13,117	13,117	13,117		13,117
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	249,092	249,092	239,092	-2,000	247,092
		Capable manpower, and power and energy .....			[-10,000]	[-2,000]	
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM .....	56,712	56,712	56,712		56,712
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	4,789	4,789	4,789		4,789
024	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	25,880	25,880	25,880		25,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	60,550	65,550	60,550		60,550
		Program Increase .....		[5,000]			
026	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	15,167	15,167	15,167		15,167
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>736,988</b>	<b>751,988</b>	<b>711,988</b>	<b>-2,000</b>	<b>734,988</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>							
027	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	48,536	48,536	48,536		48,536
028	0603216N	AVIATION SURVIVABILITY .....	5,239	5,239	5,239		5,239
030	0603251N	AIRCRAFT SYSTEMS .....	1,519	1,519	1,519		1,519
031	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,041	7,041	7,041		7,041
032	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	3,274	3,274	3,274		3,274
033	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	57,034	72,034	57,034	-41,538	15,496
		Program Increase .....		[15,000]			
		Rapid prototype development excess growth .....				[-30,267]	
		Unmanned rapid prototype development excess growth .....				[-11,271]	
034	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	165,775	165,775	164,275	-22,227	143,548
		Excess prior year funds .....			[-1,500]	[-1,500]	
		LDUUV product development excess growth .....				[-13,800]	
		USV with AQS-20 product development excess growth .....				[-5,750]	
		USV with AQS-20 support excess growth .....				[-1,177]	
035	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	87,066	87,066	87,066		87,066

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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
036	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	7,605	7,605	7,605		7,605
037	0603525N	PILOT FISH .....	132,068	132,068	132,068		132,068
038	0603527N	RETRACT LARCH .....	14,546	14,546	14,546		14,546
039	0603536N	RETRACT JUNIPER .....	115,435	115,435	115,435		115,435
040	0603542N	RADIOLOGICAL CONTROL .....	702	702	702		702
041	0603553N	SURFACE ASW .....	1,081	1,081	1,081		1,081
042	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	100,565	100,565	100,565		100,565
043	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	8,782	8,782	8,782		8,782
044	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	14,590	14,590	14,590		14,590
045	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	15,805	15,805	15,805		15,805
046	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	453,313	453,313	453,313		453,313
047	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	36,655	36,655	36,655		36,655
048	0603576N	CHALK EAGLE .....	367,016	367,016	367,016		367,016
049	0603581N	LITTORAL COMBAT SHIP (LCS) .....	51,630	51,630	51,630		51,630
050	0603582N	COMBAT SYSTEM INTEGRATION .....	23,530	23,530	23,530		23,530
051	0603595N	OHIO REPLACEMENT .....	700,811	700,811	700,811		700,811
052	0603596N	LCS MISSION MODULES .....	160,058	129,158	129,158	-30,871	129,187
		Program Restructure .....		[-30,900]	[-30,900]	[-30,871]	
053	0603597N	AUTOMATED TEST AND ANALYSIS .....		8,000		8,000	8,000
		Program increase .....		[8,000]		[8,000]	
054	0603599N	FRIGATE DEVELOPMENT .....	84,900	84,900	84,900		84,900
055	0603609N	CONVENTIONAL MUNITIONS .....	8,342	8,342	8,342		8,342
056	0603611M	MARINE CORPS ASSAULT VEHICLES .....	158,682	158,682	158,682	-19,920	138,762
		Product development prior year carryover .....				[-19,920]	
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	1,303	1,303	1,303		1,303
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	46,911	46,911	46,911		46,911
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	4,556	4,556	4,556		4,556
061	0603721N	ENVIRONMENTAL PROTECTION .....	20,343	20,343	20,343		20,343
062	0603724N	NAVY ENERGY PROGRAM .....	52,479	52,479	52,479		52,479
063	0603725N	FACILITIES IMPROVEMENT .....	5,458	5,458	5,458		5,458
064	0603734N	CHALK CORAL .....	245,860	245,860	245,860		245,860
065	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,089	3,089	3,089		3,089
066	0603746N	RETRACT MAPLE .....	323,526	323,526	323,526		323,526
067	0603748N	LINK PLUMERIA .....	318,497	318,497	318,497		318,497
068	0603751N	RETRACT ELM .....	52,834	52,834	52,834		52,834
069	0603764N	LINK EVERGREEN .....	48,116	48,116	48,116		48,116
070	0603787N	SPECIAL PROCESSES .....	13,619	13,619	13,619		13,619
071	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,867	9,867	9,867		9,867
072	0603795N	LAND ATTACK TECHNOLOGY .....	6,015	6,015	6,015		6,015
073	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	27,904	27,904	27,904		27,904
074	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	104,144	104,144	104,144	-1,422	102,722
		UCLASS test support unjustified request .....				[-1,422]	
075	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	32,700	32,700	32,700		32,700
076	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80) .....	70,528	70,528	70,528		70,528
077	0604122N	REMOTE MINEHUNTING SYSTEM (RMS) .....	3,001	3,001	3,001		3,001
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM). .....	34,920	34,920	34,920		34,920
080	0604292N	MH-XX .....	1,620	1,620	1,620		1,620
081	0604454N	LX (R) .....	6,354	6,354	25,354		6,354
		Needed to maintain schedule .....			[19,000]		
082	0604536N	ADVANCED UNDERSEA PROTOTYPING .....	78,589	78,589	44,189	-34,400	44,189
		Ahead of need .....			[-34,400]	[-34,400]	
084	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	9,910	9,910	9,910		9,910
085	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT. .....	23,971	23,971	23,971		23,971
086	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	252,409	252,409	252,409	-2,038	250,371
		Increment II early to need .....				[-2,038]	
087	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. .....	23,197	23,197	23,197		23,197
088	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	9,110	9,110	9,110		9,110

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089	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	437	437	437		437
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>4,662,867</b>	<b>4,654,967</b>	<b>4,615,067</b>	<b>-144,416</b>	<b>4,518,451</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
090	0603208N	TRAINING SYSTEM AIRCRAFT .....	19,938	19,938	19,938		19,938
091	0604212N	OTHER HELO DEVELOPMENT .....	6,268	6,268	6,268		6,268
092	0604214N	AV-8B AIRCRAFT—ENG DEV .....	33,664	33,664	33,664		33,664
093	0604215N	STANDARDS DEVELOPMENT .....	1,300	1,300	1,300		1,300
094	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	5,275	5,275	5,275		5,275
095	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	3,875	3,875	3,875		3,875
096	0604221N	P-3 MODERNIZATION PROGRAM .....	1,909	1,909	1,909		1,909
097	0604230N	WARFARE SUPPORT SYSTEM .....	13,237	13,237	13,237		13,237
098	0604231N	TACTICAL COMMAND SYSTEM .....	36,323	36,323	36,323		36,323
099	0604234N	ADVANCED HAWKEYE .....	363,792	363,792	363,792		363,792
100	0604245N	H-1 UPGRADES .....	27,441	27,441	27,441		27,441
101	0604261N	ACOUSTIC SEARCH SENSORS .....	34,525	34,525	34,525		34,525
102	0604262N	V-22A .....	174,423	174,423	174,423	-16,725	157,698
		Hardware development airframe excess growth .....				[-8,474]	
		Refueling system development excess growth .....				[-8,251]	
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	13,577	13,577	13,577		13,577
104	0604269N	EA-18 .....	116,761	116,761	116,761		116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	48,766	48,766	48,766		48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT .....	338,357	338,357	338,357		338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ) .....	577,822	577,822	577,822		577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	2,365	2,365	2,365		2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II .....	52,065	52,065	52,065	-10,000	42,065
		Program growth .....				[-10,000]	
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	282,764	282,764	282,764		282,764
111	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	580	580	580		580
112	0604329N	SMALL DIAMETER BOMB (SDB) .....	97,622	97,622	97,622		97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS .....	120,561	120,561	120,561		120,561
114	0604373N	AIRBORNE MCM .....	45,622	45,622	45,622		45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGI- NEERING.	25,750	25,750	25,750		25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS .....	85,868	85,868	85,868		85,868
119	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	117,476	117,476	117,476		117,476
120	0604504N	AIR CONTROL .....	47,404	47,404	47,404		47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS .....	112,158	112,158	112,158		112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	6,283	6,283	6,283		6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM .....	144,395	144,395	144,395		144,395
124	0604558N	NEW DESIGN SSN .....	113,013	113,013	113,013		113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	43,160	43,160	43,160		43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	65,002	85,002	65,002	20,000	85,002
		CVN Design .....		[20,000]		[20,000]	
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,098	3,098	3,098		3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM) .....	97,920	97,920	97,920		97,920
129	0604601N	MINE DEVELOPMENT .....	10,490	10,490	10,490		10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	20,178	20,178	20,178		20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	7,369	7,369	7,369		7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	4,995	4,995	4,995		4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	412	412	412		412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	134,619	134,619	134,619		134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	114,475	105,475	114,475	-9,000	105,475
		Program Execution .....		[-9,000]		[-9,000]	
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	114,211	114,211	114,211	-3,000	111,211
		Decoy development effort unjustified growth .....				[-3,000]	
137	0604761N	INTELLIGENCE ENGINEERING .....	11,029	11,029	11,029		11,029
138	0604771N	MEDICAL DEVELOPMENT .....	9,220	9,220	9,220		9,220
139	0604777N	NAVIGATION/ID SYSTEM .....	42,723	42,723	42,723		42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	531,426	531,426	531,426		531,426

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141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	528,716	528,716	528,716		528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS ..	74,227	74,227	74,227	-2,250	71,977
		Follow-on development excess funds .....				[-2,250]	
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY .....	63,387	63,387	63,387	-2,250	61,137
		Follow-on development excess funds .....				[-2,250]	
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	4,856	4,856	4,856		4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	97,066	97,066	97,066		97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT .....	2,500	2,500	2,500		2,500
147	0605212N	CH-53K RDTE .....	404,810	404,810	404,810	-31,513	373,297
		Program delay .....				[-31,513]	
148	0605215N	MISSION PLANNING .....	33,570	33,570	33,570		33,570
149	0605217N	COMMON AVIONICS .....	51,599	51,599	51,599		51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC) .....	11,088	11,088	11,088		11,088
151	0605327N	T-AO (X) .....	1,095	1,095	1,095		1,095
152	0605414N	MQ-XX .....	89,000	77,000	89,000	-12,000	77,000
		Excess Obligation .....		[-12,000]		[-12,000]	
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	17,880	17,880	17,880		17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	59,126	59,126	59,126		59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III .....	182,220	182,220	182,220	-30,000	152,220
		Program execution .....				[-30,000]	
156	0204202N	DDG-1000 .....	45,642	45,642	45,642		45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	676	676	676		676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	36,747	36,747	36,747		36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM .....	35,002	35,002	35,002		35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	4,942	4,942	6,726		4,942
		Full spectrum cyber operations unfunded requirement .....			[1,784]		
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>6,025,655</b>	<b>6,024,655</b>	<b>6,027,439</b>	<b>-96,738</b>	<b>5,928,917</b>
<b>MANAGEMENT SUPPORT</b>							
163	0604256N	THREAT SIMULATOR DEVELOPMENT .....	16,633	16,633	16,633		16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT .....	36,662	36,662	36,662		36,662
165	0604759N	MAJOR T&E INVESTMENT .....	42,109	42,109	42,109		42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	2,998	2,998	2,998		2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	3,931	3,931	3,931		3,931
168	0605154N	CENTER FOR NAVAL ANALYSES .....	46,634	46,634	46,634		46,634
169	0605285N	NEXT GENERATION FIGHTER .....	1,200	1,200	1,200		1,200
171	0605804N	TECHNICAL INFORMATION SERVICES .....	903	903	903		903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	87,077	87,077	76,277		87,077
		Unjustified growth .....			[-10,800]		
173	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,597	3,597	3,597		3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	62,811	62,811	62,811		62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	106,093	106,093	106,093		106,093
176	0605864N	TEST AND EVALUATION SUPPORT .....	349,146	349,146	349,146		349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	18,160	18,160	18,160		18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	9,658	9,658	9,658		9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	6,500	6,500	6,500		6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	22,247	22,247	22,247		22,247
181	0605898N	MANAGEMENT HQ—R&D .....	16,254	16,254	16,254		16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT .....	21,123	21,123	21,123		21,123
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>853,736</b>	<b>853,736</b>	<b>842,936</b>		<b>853,736</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC) .....	84,501	84,501	84,501		84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	2,970	2,970	2,970		2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	136,556	136,556	136,556		136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	33,845	33,845	33,845		33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	9,329	9,329	9,329		9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	17,218	17,218	17,218		17,218
195	0204136N	F/A-18 SQUADRONS .....	189,125	189,125	189,125		189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	48,225	48,225	48,225		48,225

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197	0204228N	SURFACE SUPPORT .....	21,156	21,156	21,156		21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	71,355	71,355	71,355		71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	58,542	58,542	58,542	-1,484	57,058
		TASW prototypes excess growth .....				[-1,484]	
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	13,929	13,929	13,929		13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	83,538	83,538	83,538		83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	38,593	38,593	38,593		38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,122	1,122	1,122		1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	99,998	99,998	99,998		99,998
205	0205601N	HARM IMPROVEMENT .....	48,635	48,635	48,635		48,635
206	0205604N	TACTICAL DATA LINKS .....	124,785	124,785	124,785		124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	24,583	24,583	24,583		24,583
208	0205632N	MK-48 ADCAP .....	39,134	39,134	39,134		39,134
209	0205633N	AVIATION IMPROVEMENTS .....	120,861	120,861	120,861		120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	101,786	101,786	101,786		101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	82,159	82,159	82,159		82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S) .....	11,850	11,850	11,850		11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	47,877	47,877	47,877		47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	13,194	13,194	13,194		13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	17,171	17,171	17,171		17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE .....	38,020	38,020	38,020		38,020
217	0207161N	TACTICAL AIM MISSILES .....	56,285	56,285	56,285		56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	40,350	40,350	40,350		40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC) .....	9,128	9,128	9,128		9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	37,372	37,372	37,372		37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	23,541	23,541	23,541		23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	38,510	38,510	38,510		38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	6,019	6,019	6,019		6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,436	8,436	8,436		8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY .....	36,509	36,509	36,509	-3,000	33,509
		Prior year carryover .....				[-3,000]	
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	2,100	2,100	2,100		2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	44,571	44,571	44,571		44,571
233	0305220N	MQ-4C TRITON .....	111,729	111,729	111,729		111,729
234	0305231N	MQ-8 UAV .....	26,518	26,518	26,518		26,518
235	0305232M	RQ-11 UAV .....	418	418	418		418
236	0305233N	RQ-7 UAV .....	716	716	716		716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	5,071	5,071	5,071		5,071
238	0305239M	RQ-21A .....	9,497	9,497	9,497		9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT .....	77,965	77,965	77,965		77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP) .....	11,181	11,181	11,181		11,181
241	0305421N	RQ-4 MODERNIZATION .....	181,266	181,266	181,266		181,266
242	0308601N	MODELING AND SIMULATION SUPPORT .....	4,709	4,709	4,709		4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF) .....	49,322	54,322	49,322		49,322
		MH-60 Fleet Mid-Life Upgrades .....		[5,000]			
245	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	3,204	3,204	3,204		3,204
245A	9999999999	CLASSIFIED PROGRAMS .....	1,228,460	1,228,460	1,228,460		1,228,460
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>3,592,934</b>	<b>3,597,934</b>	<b>3,592,934</b>	<b>-4,484</b>	<b>3,588,450</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>17,276,301</b>	<b>17,339,401</b>	<b>17,204,485</b>	<b>-197,638</b>	<b>17,078,663</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>					
		<b>BASIC RESEARCH</b>					
001	0601102F	DEFENSE RESEARCH SCIENCES .....	340,812	340,812	340,812		340,812
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	145,044	145,044	145,044		145,044
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	14,168	14,168	14,168		14,168
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>500,024</b>	<b>500,024</b>	<b>500,024</b>		<b>500,024</b>
		<b>APPLIED RESEARCH</b>					
004	0602102F	MATERIALS .....	126,152	131,152	126,152	5,000	131,152

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		Precision measuring tools .....		[5,000]		[5,000]	
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	122,831	127,831	122,831	5,000	127,831
		Reusable Hypersonic vehicle structures development .....		[5,000]		[5,000]	
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	111,647	116,647	111,647		111,647
		Human-Machine Teaming .....		[5,000]			
007	0602203F	AEROSPACE PROPULSION .....	185,671	185,671	190,671	5,000	190,671
		Program increase .....			[5,000]	[5,000]	
008	0602204F	AEROSPACE SENSORS .....	155,174	155,174	155,174		155,174
009	0602601F	SPACE TECHNOLOGY .....	117,915	117,915	117,915		117,915
010	0602602F	CONVENTIONAL MUNITIONS .....	109,649	109,649	109,649		109,649
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	127,163	127,163	127,163		127,163
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	161,650	161,650	161,650		161,650
013	0602890F	HIGH ENERGY LASER RESEARCH .....	42,300	42,300	47,300		42,300
		Joint technology office .....			[5,000]		
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,260,152</b>	<b>1,275,152</b>	<b>1,270,152</b>	<b>15,000</b>	<b>1,275,152</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	35,137	45,137	35,137	10,000	45,137
		Metals Affordability Initiative .....		[10,000]		[10,000]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	20,636	20,636	20,636		20,636
016	0603203F	ADVANCED AEROSPACE SENSORS .....	40,945	40,945	40,945		40,945
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	130,950	130,950	130,950		130,950
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	94,594	99,594	99,594	5,000	99,594
		Silicon Carbide for aerospace power application .....		[5,000]	[5,000]	[5,000]	
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	58,250	58,250	53,250		58,250
		General decrease .....			[−5,000]		
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	61,593	61,593	61,593		61,593
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	11,681	11,681	11,681		11,681
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	26,492	26,492	26,492		26,492
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	102,009	102,009	102,009		102,009
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	39,064	39,064	39,064		39,064
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	46,344	46,344	46,344		46,344
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	58,110	58,110	48,110		58,110
		Unjustified increase .....			[−10,000]		
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>725,805</b>	<b>740,805</b>	<b>715,805</b>	<b>15,000</b>	<b>740,805</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
027	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,598	5,598	5,598		5,598
028	0603438F	SPACE CONTROL TECHNOLOGY .....	7,534	7,534	7,534		7,534
029	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	24,418	24,418	24,418		24,418
030	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,333	4,333	4,333		4,333
032	0603830F	SPACE SECURITY AND DEFENSE PROGRAM .....	32,399	32,399	32,399		32,399
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	108,663	108,663	108,663		108,663
035	0604015F	LONG RANGE STRIKE—BOMBER .....	1,358,309	1,358,309	1,056,009		1,358,309
		Excess to contract award .....			[−302,300]		
036	0604257F	ADVANCED TECHNOLOGY AND SENSORS .....	34,818	34,818	34,818		34,818
037	0604317F	TECHNOLOGY TRANSFER .....	3,368	3,368	3,368		3,368
038	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	74,308	74,308	74,308		74,308
039	0604422F	WEATHER SYSTEM FOLLOW-ON .....	118,953	113,953	118,953	−5,000	113,953
		Transfer Cloud Characterization and Theater Weather Imagery to NRO.		[−5,000]		[−5,000]	
040	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	9,901	9,901	9,901		9,901
041	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D .....	25,890	25,890	25,890		25,890
042	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	7,921	27,921	17,921	10,500	18,421
		Program increase .....		[20,000]	[10,000]	[10,500]	
043	0604858F	TECH TRANSITION PROGRAM .....	347,304	347,304	347,304		347,304
044	0605230F	GROUND BASED STRATEGIC DETERRENT .....	113,919	113,919	113,919		113,919
046	0207110F	NEXT GENERATION AIR DOMINANCE .....	20,595	15,595	20,595		20,595
		Program reduction .....		[−5,000]			

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047	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR) .....	49,491	39,491	49,491		49,491
		Excess funding to need .....		[-10,000]			
048	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	278,147	278,147	278,147		278,147
049	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA) .....	42,338	42,338	42,338		42,338
050	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	158,002	158,002	158,002		158,002
051	0306415F	ENABLED CYBER ACTIVITIES .....	15,842	15,842	15,842		15,842
052	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM .....	5,782	5,782	5,782		5,782
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>2,847,833</b>	<b>2,847,833</b>	<b>2,555,533</b>	<b>5,500</b>	<b>2,853,333</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
054	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	12,476	12,476	12,476	-3,300	9,176
		Improved GPS .....				[-3,300]	
055	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	82,380	82,380	82,380		82,380
056	0604287F	PHYSICAL SECURITY EQUIPMENT .....	8,458	8,458	8,458		8,458
057	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	54,838	54,838	54,838	-7,800	47,038
		Improved GPS .....				[-7,800]	
058	0604421F	COUNTERSPACE SYSTEMS .....	34,394	34,394	34,394		34,394
059	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	23,945	23,945	23,945		23,945
060	0604426F	SPACE FENCE .....	168,364	168,364	168,364		168,364
061	0604429F	AIRBORNE ELECTRONIC ATTACK .....	9,187	9,187	9,187		9,187
062	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	181,966	181,966	181,966		181,966
063	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	20,312	20,312	20,312		20,312
064	0604604F	SUBMUNITIONS .....	2,503	2,503	2,503		2,503
065	0604617F	AGILE COMBAT SUPPORT .....	53,680	53,680	53,680		53,680
066	0604618F	JOINT DIRECT ATTACK MUNITION .....	9,901	9,901	9,901		9,901
067	0604706F	LIFE SUPPORT SYSTEMS .....	7,520	7,520	7,520		7,520
068	0604735F	COMBAT TRAINING RANGES .....	77,409	77,409	77,409		77,409
069	0604800F	F-35—EMD .....	450,467	450,467	450,467		450,467
070	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD ...	296,572	100,000	296,572	-136,572	160,000
		Launch System Development .....		[100,000]		[160,000]	
		Next Generation Launch System Investment .....		[-296,572]		[-296,572]	
070A	0604XXXF	ROCKET PROPULSION SYSTEM .....		220,000		220,000	220,000
		Rocket Propulsion System Replacement of RD-180 .....		[220,000]		[220,000]	
071	0604932F	LONG RANGE STANDOFF WEAPON .....	95,604	95,604	95,604		95,604
072	0604933F	ICBM FUZE MODERNIZATION .....	189,751	189,751	189,751		189,751
073	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC) .....	1,131	1,131	1,131		1,131
074	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	70,290	70,290	70,290		70,290
075	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	937	937	937		937
076	0605221F	KC-46 .....	261,724	121,724	121,724	-140,000	121,724
		Scope Reduction .....		[-140,000]	[-140,000]	[-140,000]	
077	0605223F	ADVANCED PILOT TRAINING .....	12,377	12,377	4,477	-5,000	7,377
		Early to need .....			[-7,900]	[-5,000]	
078	0605229F	CSAR HH-60 RECAPITALIZATION .....	319,331	319,331	319,331	-15,000	304,331
		Forward financing .....				[-15,000]	
080	0605431F	ADVANCED EHF MILSATCOM (SPACE) .....	259,131	259,131	229,131	-30,000	229,131
		Delayed analysis of alternatives .....			[-30,000]	[-30,000]	
081	0605432F	POLAR MILSATCOM (SPACE) .....	50,815	50,815	50,815		50,815
082	0605433F	WIDEBAND GLOBAL SATCOM (SPACE) .....	41,632	41,632	41,632	10,000	51,632
		COMSATCOM pilot program .....				[10,000]	
083	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E .....	28,911	28,911	28,911		28,911
084	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	315,615	288,957	288,915	-26,700	288,915
		Scope Reduction .....		[-26,658]	[-26,700]	[-26,700]	
085	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	137,909	137,909	137,909		137,909
086	0207171F	F-15 EPAWSS .....	256,669	256,669	256,669		256,669
087	0207701F	FULL COMBAT MISSION TRAINING .....	12,051	12,051	12,051		12,051
088	0305176F	COMBAT SURVIVOR EVADER LOCATOR .....	29,253	29,253	29,253		29,253
089	0307581F	JSTARS RECAP .....	128,019	128,019	128,019		128,019
090	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR) .....	351,220	351,220	351,220		351,220
091	0701212F	AUTOMATED TEST SYSTEMS .....	19,062	19,062	19,062		19,062
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>	<b>4,075,804</b>	<b>3,932,574</b>	<b>3,871,204</b>	<b>-134,372</b>	<b>3,941,432</b>

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<b>MANAGEMENT SUPPORT</b>							
092	0604256F	THREAT SIMULATOR DEVELOPMENT .....	21,630	21,630	21,630		21,630
093	0604759F	MAJOR T&E INVESTMENT .....	66,385	66,385	66,385		66,385
094	0605101F	RAND PROJECT AIR FORCE .....	34,641	34,641	34,641		34,641
096	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	11,529	11,529	11,529		11,529
097	0605807F	TEST AND EVALUATION SUPPORT .....	661,417	661,417	661,417		661,417
098	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	11,198	11,198	11,198		11,198
099	0605864F	SPACE TEST PROGRAM (STP) .....	27,070	27,070	27,070		27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	134,111	134,111	134,111		134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	28,091	28,091	28,091		28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION .....	29,100	29,100	29,100		29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT .....	18,528	18,528	18,528		18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	176,666	176,666	176,666		176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS) .....	4,410	4,410	4,410		4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	14,613	14,613	14,613		14,613
107	0804731F	GENERAL SKILL TRAINING .....	1,404	1,404	1,404		1,404
109	1001004F	INTERNATIONAL ACTIVITIES .....	4,784	4,784	4,784		4,784
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>1,245,577</b>	<b>1,245,577</b>	<b>1,245,577</b>		<b>1,245,577</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	393,268	393,268	393,268		393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	15,427	15,427	15,427		15,427
112	0604445F	WIDE AREA SURVEILLANCE .....	46,695	46,695	46,695		46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	10,368	10,368	10,368		10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	31,952	31,952	31,952		31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	42,960	42,960	42,960		42,960
118	0605278F	HC/MC-130 RECAP RDT&E .....	13,987	13,987	13,987		13,987
119	0101113F	B-52 SQUADRONS .....	78,267	78,267	78,267		78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	453	453	453		453
121	0101126F	B-1B SQUADRONS .....	5,830	5,830	5,830		5,830
122	0101127F	B-2 SQUADRONS .....	152,458	152,458	152,458		152,458
123	0101213F	MINUTEMAN SQUADRONS .....	182,958	182,958	182,958		182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	39,148	39,148	39,148		39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS .....	6,042	6,042	6,042		6,042
128	0102110F	UH-1N REPLACEMENT PROGRAM .....	14,116	14,116	14,116		14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	10,868	10,868	10,868		10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES .....	8,674	8,674	8,674		8,674
131	0205219F	MQ-9 UAV .....	151,373	200,373	186,473	10,000	161,373
		Auto take-off and landing capability .....		[35,000]	[35,100]	[10,000]	
		Tactical Datalink Integration .....		[14,000]			
133	0207131F	A-10 SQUADRONS .....	14,853	14,853	14,853		14,853
134	0207133F	F-16 SQUADRONS .....	132,795	132,795	132,795		132,795
135	0207134F	F-15E SQUADRONS .....	356,717	356,717	356,717		356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	14,773	14,773	14,773		14,773
137	0207138F	F-22A SQUADRONS .....	387,564	387,564	387,564	-8,100	379,464
		Improved GPS .....				[-8,100]	
138	0207142F	F-35 SQUADRONS .....	153,045	153,045	153,045	-5,500	147,545
		Follow-on development—excess funds .....				[-5,500]	
139	0207161F	TACTICAL AIM MISSILES .....	52,898	52,898	52,898		52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	62,470	62,470	62,470		62,470
143	0207227F	COMBAT RESCUE—PARARESCUE .....	362	362	362		362
144	0207247F	AF TENCAP .....	28,413	31,613	28,413		28,413
		Restore FY16 level .....		[3,200]			
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	649	649	649		649
146	0207253F	COMPASS CALL .....	13,723	50,823	13,723	37,100	50,823
		Compass Call Program Restructure .....		[37,100]		[37,100]	
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	109,859	109,859	109,859		109,859

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148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	30,002	30,002	30,002		30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	37,621	37,621	37,621	-12,278	25,343
		Weapon system modification .....				[-12,278]	
150	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	13,292	13,292	13,292		13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	86,644	86,644	86,644		86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	2,442	2,442	2,442		2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	10,911	15,911	10,911	5,000	15,911
		Geospatial software development .....		[5,000]		[5,000]	
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	11,843	11,843	11,843		11,843
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,515	1,515	1,515		1,515
157	0207452F	DCAPES .....	14,979	14,979	14,979		14,979
158	0207590F	SEEK EAGLE .....	25,308	25,308	25,308		25,308
159	0207601F	USAF MODELING AND SIMULATION .....	16,666	16,666	16,666		16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS .....	4,245	4,245	4,245		4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	3,886	3,886	3,886		3,886
162	0208006F	MISSION PLANNING SYSTEMS .....	71,785	71,785	71,785		71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS .....	25,025	25,025	25,025		25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS .....	29,439	29,439	29,439		29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN) .....	3,470	3,470	3,470		3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES) .....	4,060	4,060	4,060		4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	13,880	13,880	13,880		13,880
176	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	30,948	30,948	30,948		30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T) .....	42,378	42,378	42,378		42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	47,471	47,471	47,471		47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	46,388	46,388	46,388		46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	52	52	52		52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE .....	2,099	2,099	2,099		2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE .....	90,762	90,762	90,762		90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,354	4,354	4,354		4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	15,624	15,624	15,624		15,624
189	0305111F	WEATHER SERVICE .....	19,974	22,974	19,974	3,000	22,974
		Commercial Weather Pilot Program .....		[3,000]		[3,000]	
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) ..	9,770	9,770	9,770		9,770
191	0305116F	AERIAL TARGETS .....	3,051	3,051	3,051		3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	405	405	405		405
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,844	4,844	4,844		4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	339	339	339		339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,989	3,989	3,989		3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOP- MENT .....	3,070	3,070	3,070		3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS) .....	8,833	8,833	8,833		8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	11,867	11,867	11,867		11,867
203	0305202F	DRAGON U-2 .....	37,217	37,217	37,217		37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	3,841	18,841	3,841	15,000	18,841
		Wide area motion imagery .....		[15,000]		[15,000]	
206	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	20,975	20,975	20,975		20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	18,902	18,902	18,902		18,902
208	0305220F	RQ-4 UAV .....	256,307	256,307	256,307		256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	22,610	16,310	22,610		22,610
		Program reduction .....		[-6,300]			
211	0305238F	NATO AGS .....	38,904	38,904	38,904		38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE .....	23,084	23,084	23,084		23,084
213	0305258F	ADVANCED EVALUATION PROGRAM .....	116,143	116,143	116,143		116,143
214	0305265F	GPS III SPACE SEGMENT .....	141,888	141,888	141,888		141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....	2,360	2,360	2,360		2,360
216	0305614F	JSPOC MISSION SYSTEM .....	72,889	72,889	72,889		72,889
217	0305881F	RAPID CYBER ACQUISITION .....	4,280	4,280	4,280		4,280
218	0305906F	NCMC—TW/AA SYSTEM .....	4,951	4,951	4,951		4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	21,093	21,093	21,093		21,093

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220	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	35,002	35,002	35,002		35,002
222	0308699F	SHARED EARLY WARNING (SEW) .....	6,366	6,366	6,366		6,366
223	0401115F	C-130 AIRLIFT SQUADRON .....	15,599	15,599	15,599		15,599
224	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	66,146	66,146	66,146		66,146
225	0401130F	C-17 AIRCRAFT (IF) .....	12,430	12,430	12,430		12,430
226	0401132F	C-130J PROGRAM .....	16,776	16,776	16,776		16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	5,166	5,166	5,166		5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	13,817	13,817	13,817		13,817
230	0401318F	CV-22 .....	16,702	16,702	16,702		16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	7,164	7,164	7,164		7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,518	1,518	1,518		1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	61,676	61,676	61,676		61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	9,128	9,128	9,128		9,128
235	0804743F	OTHER FLIGHT TRAINING .....	1,653	1,653	1,653		1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES .....	57	57	57		57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	3,663	3,663	3,663		3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM .....	3,735	3,735	3,735		3,735
239	0901220F	PERSONNEL ADMINISTRATION .....	5,157	5,157	5,157		5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,523	1,523	1,523		1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	10,581	10,581	3,781		10,581
		Cost estimating unjustified request .....			[-4,900]		
		PBES unjustified request .....			[-1,900]		
242A	9999999999	CLASSIFIED PROGRAMS .....	13,091,557	13,091,557	13,091,557		13,091,557
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>17,457,056</b>	<b>17,563,056</b>	<b>17,485,356</b>	<b>44,222</b>	<b>17,501,278</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>28,112,251</b>	<b>28,105,021</b>	<b>27,643,651</b>	<b>-54,650</b>	<b>28,057,601</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>					
		<b>BASIC RESEARCH</b>					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	35,436	35,436	35,436		35,436
002	0601101E	DEFENSE RESEARCH SCIENCES .....	362,297	352,297	362,297		362,297
		Program reduction .....		[-10,000]			
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	36,654	36,654	36,654		36,654
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	57,791	57,791	57,791		57,791
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	69,345	79,345	69,345	10,000	79,345
		K-12 STEM program increase .....		[10,000]		[10,000]	
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTI- TUTIONS.	23,572	33,572	23,572	10,000	33,572
		Program increase .....		[10,000]		[10,000]	
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	44,800	44,800	44,800		44,800
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>629,895</b>	<b>639,895</b>	<b>629,895</b>	<b>20,000</b>	<b>649,895</b>
		<b>APPLIED RESEARCH</b>					
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	17,745	17,745	17,745		17,745
009	0602115E	BIOMEDICAL TECHNOLOGY .....	115,213	105,213	115,213		115,213
		Program reduction .....		[-10,000]			
010	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION .....	30,000		30,000	-30,000	0
		Program decrease .....		[-30,000]		[-30,000]	
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	48,269	48,269	48,269		48,269
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES .....	42,206	42,206	42,206		42,206
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	353,635	348,635	353,635		353,635
		Program reduction .....		[-5,000]			
014	0602383E	BIOLOGICAL WARFARE DEFENSE .....	21,250	21,250	21,250		21,250
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	188,715	188,715	188,715		188,715
016	0602668D8Z	CYBER SECURITY RESEARCH .....	12,183	12,183	12,183		12,183
017	0602702E	TACTICAL TECHNOLOGY .....	313,843	313,843	313,843		313,843
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	220,456	210,456	220,456	-6,000	214,456
		Program reduction .....		[-10,000]		[-6,000]	
019	0602716E	ELECTRONICS TECHNOLOGY .....	221,911	221,911	221,911		221,911
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	154,857	154,857	154,857		154,857

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021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH .....	8,420	8,420	8,420		8,420
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT .....	37,820	37,820	37,820		37,820
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,786,523</b>	<b>1,731,523</b>	<b>1,786,523</b>	<b>-36,000</b>	<b>1,750,523</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	23,902	23,902	23,902		23,902
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	73,002	100,002	73,002		73,002
		Additional EOD equipment for Conventional Units .....		[12,000]			
		Program increase for DOD CT and C-UAS .....		[15,000]			
026	0603133D8Z	FOREIGN COMPARATIVE TESTING .....	19,343	29,343	19,343	10,000	29,343
		Anti-tunnel defense systems .....		[10,000]		[10,000]	
027	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444	266,444		266,444
028	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT .....	17,880	17,880	17,880		17,880
030	0603178C	WEAPONS TECHNOLOGY .....	71,843	71,843	71,843		71,843
031	0603179C	ADVANCED C4ISR .....	3,626	3,626	3,626		3,626
032	0603180C	ADVANCED RESEARCH .....	23,433	23,433	23,433		23,433
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	17,256	17,256	17,256		17,256
035	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	83,745	108,745	83,745	-71,950	11,795
		Classified Annex .....		[25,000]			
		Program reduction .....				[-71,950]	
036	0603286E	ADVANCED AEROSPACE SYSTEMS .....	182,327	177,327	182,327		182,327
		Program reduction .....		[-5,000]			
037	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	175,240	165,240	175,240	-10,000	165,240
		Program reduction .....		[-10,000]		[-10,000]	
038	0603288D8Z	ANALYTIC ASSESSMENTS .....	12,048	12,048	12,048		12,048
039	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS .....	57,020	57,020	57,020		57,020
041	0603375D8Z	TECHNOLOGY INNOVATION .....	39,923	19,923	39,923	-20,000	19,923
		Program decrease .....		[-20,000]		[-20,000]	
042	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	127,941	127,941	127,941		127,941
043	0603527D8Z	RETRACT LARCH .....	181,977	181,977	181,977		181,977
044	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	22,030	22,030	22,030		22,030
045	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	148,184	158,184	148,184	-16,000	132,184
		Program decrease .....				[-16,000]	
		Social Media Analysis Cell .....		[10,000]			
046	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	9,331	9,331	9,331		9,331
047	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	158,398	148,398	158,398		158,398
		Program decrease .....		[-10,000]			
048	0603680S	MANUFACTURING TECHNOLOGY PROGRAM .....	31,259	31,259	31,259		31,259
049	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	49,895	49,895	49,895		49,895
050	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	11,011	11,011	11,011		11,011
052	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,078	65,078	65,078		65,078
053	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	97,826	97,826	97,826		97,826
054	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	7,848	7,848	7,848	-2,500	5,348
		Prior year carryover .....				[-2,500]	
055	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	49,807	49,807	49,807		49,807
056	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	155,081	155,081	155,081		155,081
057	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	428,894	428,894	428,894		428,894
058	0603767E	SENSOR TECHNOLOGY .....	241,288	241,288	241,288		241,288
060	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	14,264	14,264	14,264		14,264
061	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	74,943	72,943	74,943	-2,000	72,943
		QRSP .....		[-2,000]		[-2,000]	
063	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY .....	17,659	17,659	17,659		17,659
064	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	87,135	87,135	87,135		87,135
065	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	37,329	37,329	41,329	4,000	41,329
		Competitive technology investment .....			[4,000]	[4,000]	
066	0303310D8Z	CWMD SYSTEMS .....	44,836	21,236	44,836	-23,600	21,236
		Constellation program reduction .....		[-23,600]		[-23,600]	

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067	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT .....	61,620	61,620	61,620		61,620
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>3,190,666</b>	<b>3,192,066</b>	<b>3,194,666</b>	<b>-132,050</b>	<b>3,058,616</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>							
<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>							
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498	28,498		28,498
069	0603600D8Z	WALKOFF .....	89,643	89,643	89,643		89,643
071	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES .....	2,136	2,136	2,136		2,136
072	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	52,491	52,491	52,491		52,491
073	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	206,834	206,834	206,834		206,834
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	862,080	862,080	862,080		862,080
075	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	138,187	138,187	138,187		138,187
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	230,077	230,077	230,077		230,077
077	0603890C	BMD ENABLING PROGRAMS .....	401,594	401,594	401,594		401,594
078	0603891C	SPECIAL PROGRAMS—MDA .....	321,607	321,607	321,607	-16,900	304,707
		Program reduction .....				[-16,900]	
079	0603892C	AEGIS BMD .....	959,066	959,066	959,066	-20,000	939,066
		SM-3 IIA development excess growth .....				[-20,000]	
080	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	32,129	32,129	32,129		32,129
081	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	20,690	20,690	20,690		20,690
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MAN- AGEMENT AND COMMUNICATI.	439,617	439,617	449,617	3,900	443,517
		Post Intercept Assessment Acceleration .....			[10,000]	[3,900]	
083	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	47,776	47,776	47,776		47,776
084	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	54,750	54,750	54,750		54,750
085	0603906C	REGARDING TRENCH .....	8,785	8,785	8,785		8,785
086	0603907C	SEA BASED X-BAND RADAR (SBX) .....	68,787	68,787	68,787		68,787
087	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	103,835	293,835	238,835	164,900	268,735
		Directed Energy Cooperation through MDA .....		[25,000]			
		Increase for Cooperative Development Programs subject to Title XVI.		[165,000]	[135,000]	[164,900]	
088	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	293,441	293,441	293,441		293,441
089	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	563,576	563,576	563,576		563,576
090	0603920D8Z	HUMANITARIAN DEMINING .....	10,007	10,007	10,007		10,007
091	0603923D8Z	COALITION WARFARE .....	10,126	10,126	11,126		10,126
		Long Endurance UAS .....			[1,000]		
092	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,893	3,893	8,893	5,000	8,893
		Corrosion prevention .....			[5,000]	[5,000]	
093	0604115C	TECHNOLOGY MATURATION INITIATIVES .....	90,266	105,266	90,266		90,266
		Directed Energy Acceleration—Low Power Laser Demonstrator - to reclaim schedule slippage.		[15,000]			
094	0604132D8Z	MISSILE DEFEAT PROJECT .....	45,000	45,000	45,000		45,000
095	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES .....	844,870	794,870	844,870	-15,000	829,870
		SCO .....		[-50,000]		[-15,000]	
096	0604342D8Z	DEFENSE TECHNOLOGY OFFSET .....			25,000		
		Directed energy systems prototyping .....			[25,000]		
097	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DE- VELOPMENT.	3,320	3,320	3,320		3,320
099	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA) .....	4,000	4,000	4,000		4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPER- ABILITY ASSESSMENTS.	23,642	23,642	23,642		23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR) .....	162,012	162,012	162,012		162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS .....	274,148	274,148	329,148		274,148
		GBI Booster Acceleration .....			[30,000]		
		RKV Risk Reduction .....			[25,000]		
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST .....	63,444	63,444	63,444		63,444
107	0604878C	AEGIS BMD TEST .....	95,012	95,012	95,012		95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST .....	83,250	83,250	83,250		83,250
109	0604880C	LAND-BASED SM-3 (LBSM3) .....	43,293	43,293	43,293		43,293

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
110	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	106,038	106,038	106,038		106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST .....	56,481	56,481	56,481		56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE .....	71,513	71,513	121,513		71,513
		Technology maturation .....			[50,000]		
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	2,636	2,636	2,636		2,636
115	0305103C	CYBER SECURITY INITIATIVE .....	969	969	969		969
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTO- TYPES.</b>	<b>6,919,519</b>	<b>7,074,519</b>	<b>7,200,519</b>	<b>121,900</b>	<b>7,041,419</b>
115A	0604XXXD	WEATHER SYSTEM FOLLOW-ON .....		5,000		5,000	5,000
		Transfer Cloud Characterization and Theater Weather Imagery from USAF.		[5,000]		[5,000]	
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		<b>5,000</b>		<b>5,000</b>	<b>5,000</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION</b>					
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	10,324	10,324	10,324		10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	181,303	186,303	181,303		181,303
		Examination of Army land-attack and anti-ship capability .....		[5,000]			
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	266,231	266,231	266,231		266,231
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....		15,000			
		Commercial IT Eval Program .....		[15,000]			
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	16,288	16,288	16,288		16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	4,568	4,568	4,568		4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	11,505	11,505	11,505		11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	1,658	1,658	1,658		1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	2,920	2,920	2,920		2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	12,631	12,631	12,631		12,631
128	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM .....	26,657	26,657	26,657		26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS) .....	4,949	4,949	4,949		4,949
130	0605140D8Z	TRUSTED FOUNDRY .....	69,000	69,000	69,000		69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	9,881	9,881	9,881		9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	7,600	7,600	7,600		7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....	2,703	2,703	2,703		2,703
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION</b>	<b>628,218</b>	<b>648,218</b>	<b>628,218</b>		<b>628,218</b>
		<b>MANAGEMENT SUPPORT</b>					
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	4,678	4,678	4,678		4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	4,499	4,499	4,499		4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	219,199	219,199	219,199		219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	28,706	28,706	128,706		28,706
		Classified assessment .....			[100,000]		
138	0605001E	MISSION SUPPORT .....	69,244	69,244	69,244		69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	87,080	87,080	87,080	-20,000	67,080
		Prior year carryover and minimize growth .....				[-20,000]	
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	23,069	23,069	23,069		23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	32,759	32,759	32,759		32,759
144	0605142D8Z	SYSTEMS ENGINEERING .....	32,429	32,429	32,429		32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	3,797	3,797	3,797		3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	5,302	5,302	5,302		5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	7,246	7,246	7,246		7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	1,874	1,874	1,874		1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	85,754	85,754	85,754		85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187	2,187		2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	22,650	22,650	22,650		22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	43,834	43,834	43,834		43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION ...	22,240	22,240	22,240		22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	19,541	23,541	24,541	4,000	23,541
		Program increase .....		[4,000]	[5,000]	[4,000]	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
163	0605898E	MANAGEMENT HQ—R&D .....	4,759	4,759	4,759		4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,400	4,400	4,400		4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,014	4,014	4,014		4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	2,072	2,072	2,072		2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	7,464	7,464	7,464		7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	857	857	857		857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....	916	916	916		916
172	0305172K	COMBINED ADVANCED APPLICATIONS .....	15,336	15,336	15,336		15,336
173	0305193D8Z	CYBER INTELLIGENCE .....	18,523	18,523	18,523	-5,000	13,523
		Program decrease .....				[-5,000]	
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384	34,384		34,384
176	0901598C	MANAGEMENT HQ—MDA .....	31,160	56,160	31,160		31,160
		Cyber Improvements Acceleration .....		[25,000]			
179	0903235D8W	JOINT SERVICE PROVIDER (JSP) .....	827	827	827		827
180A	9999999999	CLASSIFIED PROGRAMS .....	56,799	56,799	56,799		56,799
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>897,599</b>	<b>926,599</b>	<b>1,002,599</b>	<b>-21,000</b>	<b>876,599</b>
		<b>OPERATIONAL SYSTEM DEVELOPMENT</b>					
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	4,241	4,241	4,241		4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424	1,424		1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS).	287	287	287		287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT .....	16,195	16,195	16,195		16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT .....	4,194	4,194	4,194		4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861	7,861		7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361	33,361		33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	3,038	3,038	3,038		3,038
190	0208045K	C4I INTEROPERABILITY .....	57,501	57,501	57,501		57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	5,935	5,935	5,935		5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	575	575	575		575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	18,041	18,041	18,041		18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	13,994	18,994	13,994		13,994
		Secure cellular communications for senior leaders .....		[5,000]			
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,206	12,206	12,206		12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	34,314	34,314	34,314		34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	36,602	36,602	36,602		36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	8,876	8,876	8,876		8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	159,068	161,068	172,068	2,000	161,068
		Cross Domain Solutions .....			[5,000]		
		Reduction to NSA Information Systems and Security Programs ..			[-8,000]		
		SHARKSEER Program Increase .....		[2,000]	[16,000]	[2,000]	
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	24,438	24,438	24,438		24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	13,197	13,197	13,197		13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE) .....	2,789	2,789	2,789		2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY .....	75,000	75,000	75,000		75,000
210	0303610K	TELEPORT PROGRAM .....	657	657	657		657
215	0305103K	CYBER SECURITY INITIATIVE .....	1,553	1,553	1,553		1,553
220	0305186D8Z	POLICY R&D PROGRAMS .....	6,204	4,204	6,204	-2,000	4,204
		Program decrease .....		[-2,000]		[-2,000]	
221	0305199D8Z	NET CENTRICITY .....	17,971	17,971	17,971		17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	5,415	5,415	5,415		5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,030	3,030	3,030		3,030
229	0305327V	INSIDER THREAT .....	5,034	5,034	5,034		5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,037	2,037	2,037		2,037

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
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Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD) .....	13,800	13,800	13,800		13,800
238	0708012S	PACIFIC DISASTER CENTERS .....	1,754	1,754	1,754		1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM .....	2,154	2,154	2,154		2,154
240	0902298J	MANAGEMENT HQ—OJCS .....	826	826	826		826
241	1105219BB	MQ-9 UAV .....	17,804	17,804	29,804		17,804
		MQ-9 capability enhancements .....			[12,000]		
244	1160403BB	AVIATION SYSTEMS .....	159,143	147,043	159,143		159,143
		AC-130 Precision Strike .....		[-12,100]			
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT .....	7,958	7,958	7,958		7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS .....	64,895	64,895	64,895		64,895
247	1160431BB	WARRIOR SYSTEMS .....	44,885	44,885	44,885		44,885
248	1160432BB	SPECIAL PROGRAMS .....	1,949	1,949	1,949		1,949
249	1160434BB	UNMANNED ISR .....	22,117	22,117	22,117		22,117
250	1160480BB	SOF TACTICAL VEHICLES .....	3,316	3,316	3,316		3,316
251	1160483BB	MARITIME SYSTEMS .....	54,577	54,577	54,577		54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	3,841	3,841	3,841		3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	11,834	11,834	11,834		11,834
253A	9999999999	CLASSIFIED PROGRAMS .....	3,270,515	3,270,515	3,270,515		3,270,515
255	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....			16,300		
		Sharkseer email protection .....			[16,300]		
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT .....</b>	<b>4,256,406</b>	<b>4,249,306</b>	<b>4,297,706</b>		<b>4,256,406</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>18,308,826</b>	<b>18,467,126</b>	<b>18,740,126</b>	<b>-42,150</b>	<b>18,266,676</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>					
		<b>MANAGEMENT SUPPORT</b>					
001	06051180TE	OPERATIONAL TEST AND EVALUATION .....	78,047	88,047	78,047		78,047
		DOT&E Cybersecurity Exercises .....		[10,000]			
002	06051310TE	LIVE FIRE TEST AND EVALUATION .....	48,316	48,316	48,316		48,316
003	06058140TE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	52,631	52,631	52,631		52,631
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>178,994</b>	<b>188,994</b>	<b>178,994</b>		<b>178,994</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>	<b>178,994</b>	<b>188,994</b>	<b>178,994</b>		<b>178,994</b>
		<b>UNDISTRIBUTED GENERAL PROVISIONS</b>					
		<b>UNDISTRIBUTED GENERAL PROVISIONS</b>					
010	9999999999	UNDISTRIBUTED GENERAL PROVISIONS .....			4,000		
		Cyber pilot program for installations .....			[4,000]		
		<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>			<b>4,000</b>		
		<b>TOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>			<b>4,000</b>		
		<b>TOTAL RDT&amp;E .....</b>	<b>71,391,771</b>	<b>71,619,841</b>	<b>71,227,192</b>	<b>-281,147</b>	<b>71,110,624</b>

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	9,375	9,375	9,375		9,375
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTO-</b>	<b>9,375</b>	<b>9,375</b>	<b>9,375</b>		<b>9,375</b>
		<b>TYPES.</b>					
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
091	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV ....	78,700	78,700	78,700		78,700
114	0605032A	TRACTOR TIRE .....	10,000	10,000	10,000		10,000
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	10,900	10,900	10,900		10,900
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT .....	50,500	50,500	50,500		50,500

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	73,110	73,110	73,110		73,110
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>223,210</b>	<b>223,210</b>	<b>223,210</b>		<b>223,210</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	7,104	7,104	7,104		7,104
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>7,104</b>	<b>7,104</b>	<b>7,104</b>		<b>7,104</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>239,689</b>	<b>239,689</b>	<b>239,689</b>		<b>239,689</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
038	0603527N	RETRACT LARCH .....	3,907	3,907	3,907		3,907
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>3,907</b>	<b>3,907</b>	<b>3,907</b>		<b>3,907</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
245A	9999999999	CLASSIFIED PROGRAMS .....	36,426	36,426	36,426		36,426
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>36,426</b>	<b>36,426</b>	<b>36,426</b>		<b>36,426</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>40,333</b>	<b>40,333</b>	<b>40,333</b>		<b>40,333</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
058	0604421F	COUNTERSPACE SYSTEMS .....	425	425	425		425
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>425</b>	<b>425</b>	<b>425</b>		<b>425</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	4,715	4,715	4,715		4,715
242A	9999999999	CLASSIFIED PROGRAMS .....	27,765	27,765	27,765		27,765
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>32,480</b>	<b>32,480</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>32,905</b>		<b>32,905</b>
		<b>OPERATIONAL SYSTEM DEVELOPMENT</b>					
253A	9999999999	CLASSIFIED PROGRAMS .....	165,419	165,419	165,419		165,419
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT .....</b>	<b>165,419</b>	<b>165,419</b>	<b>165,419</b>		<b>165,419</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>165,419</b>	<b>165,419</b>	<b>165,419</b>		<b>165,419</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>478,346</b>	<b>478,346</b>	<b>478,346</b>		<b>478,346</b>

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>					
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
090	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	33	33	33		33
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....		10,000			
		Army unfunded requirement—modernized warning system .....		[10,000]			
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>33</b>	<b>10,033</b>	<b>33</b>		<b>33</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....		16,000			
		Army unfunded requirement—GMLRS M-code upgrade .....		[16,000]			
166	0607134A	LONG RANGE PRECISION FIRES (LRPF) .....		27,700			
		Army unfunded requirement .....		[27,700]			
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....		10,000			
		Army unfunded requirement—Vehicle APS .....		[10,000]			

SEC. 4203. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>		<b>53,700</b>			
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>33</b>	<b>63,733</b>	<b>33</b>		<b>33</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>					
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
078	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	37,990	37,990	37,990		37,990
081	0604454N	LX (R) .....		19,000			
		LX (R) Design .....		[19,000]			
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>37,990</b>	<b>56,990</b>	<b>37,990</b>		<b>37,990</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
102	0604262N	V-22A .....		11,400			
		Accelerate Readiness Improvement—Swashplate actuator re-design.		[11,400]			
118	0604501N	ADVANCED ABOVE WATER SENSORS .....		20,000			
		Aegis Radar Solid State Improvements .....		[20,000]			
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>		<b>31,400</b>			
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>37,990</b>	<b>88,390</b>	<b>37,990</b>		<b>37,990</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>					
		<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>					
074	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....		65,000			
		Ground System Communications Modernization & Upgrades to Enable Full RKV Capabilities.		[65,000]			
076	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....		45,000			
		Electronic Protection Acceleration for Sensors .....		[25,000]			
		RFPs for Hawaii & East Coast Radars .....		[20,000]			
077	0603890C	BMD ENABLING PROGRAMS .....		10,000			
		Modeling and Simulation Improvements .....		[10,000]			
079	0603892C	AEGIS BMD .....		10,000			
		Aegis BMD Integration with AMDR .....		[10,000]			
082	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.		30,000			
		C2BMC Acceleration .....		[20,000]			
		Post-Intercept Assessment Acceleration .....		[10,000]			
088	0603914C	BALLISTIC MISSILE DEFENSE TEST .....		10,000			
		Test Infrastructure .....		[10,000]			
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS .....		75,000			
		Modernized Booster Acceleration .....		[50,000]			
		RKV risk reduction .....		[25,000]			
112	0604894C	MULTI-OBJECT KILL VEHICLE .....		55,000			
		MOKV Technology Maturation .....		[55,000]			
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES .....</b>		<b>300,000</b>			
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>		<b>300,000</b>			
		<b>TOTAL RDT&amp;E .....</b>	<b>38,023</b>	<b>452,123</b>	<b>38,023</b>		<b>38,023</b>

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>						
<b>OPERATING FORCES</b>						
010	MANEUVER UNITS .....	791,450	791,450	841,450	50,000	841,450
	Home station training unfunded requirement .....			[50,000]	[50,000]	
020	MODULAR SUPPORT BRIGADES .....	68,373	68,373	68,373		68,373
030	ECHELONS ABOVE BRIGADE .....	438,823	438,823	438,823		438,823
040	THEATER LEVEL ASSETS .....	660,258	660,258	660,258		660,258
050	LAND FORCES OPERATIONS SUPPORT .....	863,928	1,198,828	863,928		863,928
	Realign APS Unit Set Requirements from OCO .....		[334,900]			
060	AVIATION ASSETS .....	1,360,597	1,360,597	1,428,597	100,500	1,461,097
	Eleventh CAB .....				[32,500]	
	Flying hour program unfunded requirement .....			[68,000]	[68,000]	
070	FORCE READINESS OPERATIONS SUPPORT .....	3,086,443	3,094,443	3,086,443		3,086,443
	Additional cyber protection teams .....		[3,000]			
	Public-private cyber training partnership .....		[5,000]			
080	LAND FORCES SYSTEMS READINESS .....	439,488	439,488	439,488		439,488
090	LAND FORCES DEPOT MAINTENANCE .....	1,013,452	1,026,052	1,032,852	19,400	1,032,852
	Depot maintenance unfunded requirement .....			[19,400]	[19,400]	
	Realign APS Unit Set Requirements from OCO .....		[12,600]			
100	BASE OPERATIONS SUPPORT .....	7,816,343	7,831,343	7,816,343	22,100	7,838,443
	Eleventh CAB Support .....				[22,100]	
	Realign APS Unit Set Requirements from OCO .....		[15,000]			
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	2,234,546	2,234,546	2,588,946	85,400	2,319,946
	Restore Sustainment shortfalls .....			[354,400]	[85,400]	
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	452,105	452,105	452,105		452,105
130	COMBATANT COMMANDERS CORE OPERATIONS .....	155,658	155,658	155,658		155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT .....	441,143	441,143	447,843		441,143
	SOUTHCOM LIDAR unfunded requirement .....			[6,700]		
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>19,822,607</b>	<b>20,193,107</b>	<b>20,321,107</b>	<b>277,400</b>	<b>20,100,007</b>
<b>MOBILIZATION</b>						
180	STRATEGIC MOBILITY .....	336,329	336,329	336,329		336,329
190	ARMY PREPOSITIONED STOCKS .....	390,848	574,848	415,848	25,000	415,848
	Program increase .....			[25,000]	[25,000]	
	Realign APS Unit Set Requirements from OCO .....		[184,000]			
200	INDUSTRIAL PREPAREDNESS .....	7,401	7,401	7,401		7,401
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>734,578</b>	<b>918,578</b>	<b>759,578</b>	<b>25,000</b>	<b>759,578</b>
<b>TRAINING AND RECRUITING</b>						
210	OFFICER ACQUISITION .....	131,942	131,942	131,942		131,942
220	RECRUIT TRAINING .....	47,846	47,846	47,846		47,846
230	ONE STATION UNIT TRAINING .....	45,419	45,419	45,419		45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	482,747	482,747	482,747		482,747
250	SPECIALIZED SKILL TRAINING .....	921,025	927,525	921,025	6,500	927,525
	Defense Foreign Language Program .....		[6,500]		[6,500]	
260	FLIGHT TRAINING .....	902,845	902,845	939,445	42,934	945,779
	Graduate pilot training unfunded requirement .....			[5,400]	[5,405]	
	School Air OPTEMPO unfunded requirement .....			[31,200]	[31,125]	
	Train full ARPINT load of 990 .....				[6,404]	
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	216,583	216,583	216,583	31,600	248,183
	Military Training and PME .....				[31,600]	
280	TRAINING SUPPORT .....	607,534	607,534	607,534		607,534
290	RECRUITING AND ADVERTISING .....	550,599	550,599	515,599	-25,000	525,599
	Unjustified program growth .....			[-35,000]	[-25,000]	
300	EXAMINING .....	187,263	187,263	187,263		187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	189,556	189,556	189,556		189,556
320	CIVILIAN EDUCATION AND TRAINING .....	182,835	182,835	182,835		182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS .....	171,167	171,167	171,167		171,167
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>4,637,361</b>	<b>4,643,861</b>	<b>4,638,961</b>	<b>56,034</b>	<b>4,693,395</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>						
350	SERVICEWIDE TRANSPORTATION .....	230,739	350,739	230,739	65,000	295,739
	Realign APS Unit Set Requirements from OCO .....		[120,000]			
	Restore critical shortfalls .....				[65,000]	
360	CENTRAL SUPPLY ACTIVITIES .....	850,060	850,060	850,060		850,060
370	LOGISTIC SUPPORT ACTIVITIES .....	778,757	778,757	782,757		778,757
	Corrosion oil assistance unfunded requirement .....			[4,000]		
380	AMMUNITION MANAGEMENT .....	370,010	370,010	370,010		370,010
390	ADMINISTRATION .....	451,556	451,556	451,556		451,556
400	SERVICEWIDE COMMUNICATIONS .....	1,888,123	1,888,123	1,888,123		1,888,123
410	MANPOWER MANAGEMENT .....	276,403	276,403	276,403		276,403
420	OTHER PERSONNEL SUPPORT .....	369,443	369,443	369,443		369,443
430	OTHER SERVICE SUPPORT .....	1,096,074	1,096,074	1,066,574		1,096,074
	Army museum early to need .....			[-29,500]		
440	ARMY CLAIMS ACTIVITIES .....	207,800	207,800	207,800		207,800
450	REAL ESTATE MANAGEMENT .....	240,641	240,641	240,641		240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS .....	250,612	250,612	250,612		250,612
470	INTERNATIONAL MILITARY HEADQUARTERS .....	416,587	416,587	416,587		416,587
480	MISC. SUPPORT OF OTHER NATIONS .....	36,666	36,666	36,666		36,666
530	CLASSIFIED PROGRAMS .....	1,151,023	1,151,023	1,157,023		1,151,023
	SOUTHCOM unfunded requirement .....			[6,000]		
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>8,614,494</b>	<b>8,734,494</b>	<b>8,594,994</b>	<b>65,000</b>	<b>8,679,494</b>
<b>UNDISTRIBUTED</b>						
540	UNDISTRIBUTED .....		-654,600	-279,780	-400,200	-400,200
	15% printing reduction .....			[-34,300]		
	DCGS-A undistributed reduction .....			[-63,000]		
	Excessive standard price for fuel .....		[-56,100]	[-123,300]	[-56,100]	
	Foreign Currency adjustments .....		[-229,900]	[-59,180]	[-194,100]	
	Historical unobligated balances .....		[-376,300]			
	Prohibition on Per Diem Allowance Reduction .....		[7,700]			
	Working Capital Fund Carryover Above Allowable Ceiling .....				[-150,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-654,600</b>	<b>-279,780</b>	<b>-400,200</b>	<b>-400,200</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>33,809,040</b>	<b>33,835,440</b>	<b>34,034,860</b>	<b>23,234</b>	<b>33,832,274</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>						
<b>OPERATING FORCES</b>						
010	MODULAR SUPPORT BRIGADES .....	11,435	11,435	11,435		11,435
020	ECHELONS ABOVE BRIGADE .....	491,772	491,772	537,772	20,000	511,772
	Home station training unfunded requirement .....			[20,000]	[20,000]	
	Lodging in kind unfunded requirement .....			[26,000]		
030	THEATER LEVEL ASSETS .....	116,163	116,163	116,163		116,163
040	LAND FORCES OPERATIONS SUPPORT .....	563,524	563,524	563,524		563,524
050	AVIATION ASSETS .....	91,162	91,162	91,162		91,162
060	FORCE READINESS OPERATIONS SUPPORT .....	347,459	347,659	347,759	200	347,659
	Defense Language Program .....		[200]		[200]	
	Range increase unfunded requirement .....			[300]		
070	LAND FORCES SYSTEMS READINESS .....	101,926	101,926	101,926		101,926
080	LAND FORCES DEPOT MAINTENANCE .....	56,219	56,219	56,219		56,219
090	BASE OPERATIONS SUPPORT .....	573,843	573,843	573,843		573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	214,955	214,955	236,455	8,100	223,055
	Restore Sustainment shortfalls .....			[21,500]	[8,100]	
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	37,620	37,620	37,620		37,620
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,606,078</b>	<b>2,606,278</b>	<b>2,673,878</b>	<b>28,300</b>	<b>2,634,378</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
120	SERVICEWIDE TRANSPORTATION .....	11,027	11,027	11,027		11,027
130	ADMINISTRATION .....	16,749	16,749	16,749		16,749
140	SERVICEWIDE COMMUNICATIONS .....	17,825	17,825	17,825		17,825

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
150	MANPOWER MANAGEMENT .....	6,177	6,177	6,177		6,177
160	RECRUITING AND ADVERTISING .....	54,475	54,475	54,475		54,475
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>106,253</b>	<b>106,253</b>	<b>106,253</b>		<b>106,253</b>
	<b>UNDISTRIBUTED</b>					
180	UNDISTRIBUTED .....		-6,800		-6,800	-6,800
	Excessive standard price for fuel .....		[-6,800]		[-6,800]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-6,800</b>		<b>-6,800</b>	<b>-6,800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES .....</b>	<b>2,712,331</b>	<b>2,705,731</b>	<b>2,780,131</b>	<b>21,500</b>	<b>2,733,831</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	708,251	708,251	778,251	50,000	758,251
	Home station training unfunded requirement .....			[70,000]	[50,000]	
020	MODULAR SUPPORT BRIGADES .....	197,251	197,251	197,251		197,251
030	ECHELONS ABOVE BRIGADE .....	792,271	792,271	792,271		792,271
040	THEATER LEVEL ASSETS .....	80,341	80,341	80,341		80,341
050	LAND FORCES OPERATIONS SUPPORT .....	37,138	37,138	39,538		37,138
	Range increase unfunded requirement .....			[2,400]		
060	AVIATION ASSETS .....	887,625	887,625	887,625	-2,800	884,825
	Unjustified program growth .....				[-2,800]	
070	FORCE READINESS OPERATIONS SUPPORT .....	696,267	696,467	696,267	-6,115	690,152
	Defense Language Program .....		[200]		[200]	
	Unjustified program growth .....				[-6,315]	
080	LAND FORCES SYSTEMS READINESS .....	61,240	61,240	61,240		61,240
090	LAND FORCES DEPOT MAINTENANCE .....	219,948	219,948	274,548		219,948
	Depot maintenance unfunded requirement .....			[42,300]		
	TWV depot maintenance unfunded requirement .....			[12,300]		
100	BASE OPERATIONS SUPPORT .....	1,040,012	1,040,012	1,040,012		1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	676,715	676,715	708,815	14,400	691,115
	Restore Sustainment shortfalls .....			[32,100]	[14,400]	
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	1,021,144	1,021,144	1,021,144		1,021,144
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,418,203</b>	<b>6,418,403</b>	<b>6,577,303</b>	<b>55,485</b>	<b>6,473,688</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
130	SERVICEWIDE TRANSPORTATION .....	6,396	6,396	6,396		6,396
140	ADMINISTRATION .....	68,528	71,052	68,528	1,150	69,678
	National Guard State Partnership Program .....		[2,524]			
	State Partnership Program .....				[1,150]	
150	SERVICEWIDE COMMUNICATIONS .....	76,524	76,524	76,524		76,524
160	MANPOWER MANAGEMENT .....	7,712	7,712	7,712		7,712
170	OTHER PERSONNEL SUPPORT .....	245,046	245,046	249,546		245,046
	Director of Psychological Health (DPH) Positions .....			[9,500]		
	Program decrease .....			[-5,000]		
180	REAL ESTATE MANAGEMENT .....	2,961	2,961	2,961		2,961
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>407,167</b>	<b>409,691</b>	<b>411,667</b>	<b>1,150</b>	<b>408,317</b>
	<b>UNDISTRIBUTED</b>					
190	UNDISTRIBUTED .....		-29,000		-29,000	-29,000
	Excessive standard price for fuel .....		[-29,000]		[-29,000]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-29,000</b>		<b>-29,000</b>	<b>-29,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>6,825,370</b>	<b>6,799,094</b>	<b>6,988,970</b>	<b>27,635</b>	<b>6,853,005</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,094,765	4,094,765	4,094,765		4,094,765
020	FLEET AIR TRAINING .....	1,722,473	1,722,473	1,722,473		1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	52,670	52,670	52,670		52,670

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
040	AIR OPERATIONS AND SAFETY SUPPORT .....	97,584	97,584	97,584		97,584
050	AIR SYSTEMS SUPPORT .....	446,733	446,733	446,733	6,500	453,233
	Marine Corps unfunded requirement—accelerate readiness - H-1 .....				[5,300]	
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....				[1,200]	
060	AIRCRAFT DEPOT MAINTENANCE .....	1,007,681	1,007,681	1,041,681	64,000	1,071,681
	AC Depot maintenance unfunded requirement .....			[34,000]	[34,000]	
	Navy unfunded requirement—Improve Afloat Readiness .....				[30,000]	
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	38,248	38,248	38,248		38,248
080	AVIATION LOGISTICS .....	564,720	564,720	586,120	33,500	598,220
	E-6B and F-35 sustainment unfunded requirement .....			[16,000]	[16,000]	
	Marine Corps unfunded requirement—accelerate readiness - KC-130J .....				[6,800]	
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....				[10,700]	
	MV-22 JPBL unfunded requirement .....			[5,400]		
090	MISSION AND OTHER SHIP OPERATIONS .....	3,513,083	3,513,083	3,513,083	348,200	3,861,283
	Cruiser Modernization .....				[90,200]	
	Navy unfunded requirement—Improve Afloat Readiness .....				[158,000]	
	Navy unfunded requirement—Restore 3 CG Deployments .....				[41,000]	
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation .....				[59,000]	
100	SHIP OPERATIONS SUPPORT & TRAINING .....	743,765	743,765	743,765	19,700	763,465
	Navy unfunded requirement—Restore Fleet Training .....				[19,700]	
110	SHIP DEPOT MAINTENANCE .....	5,168,273	5,177,773	5,168,273	318,600	5,486,873
	Cruiser Modernization .....				[71,100]	
	Navy unfunded requirement—Ship Depot Wholeness .....				[238,000]	
	Program increase .....		[9,500]		[9,500]	
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,575,578	1,575,578	1,575,578	79,000	1,654,578
	Navy unfunded requirement—Increase Afloat Readiness .....				[79,000]	
130	COMBAT COMMUNICATIONS .....	558,727	558,727	558,727		558,727
140	ELECTRONIC WARFARE .....	105,680	105,680	105,680		105,680
150	SPACE SYSTEMS AND SURVEILLANCE .....	180,406	180,406	180,406		180,406
160	WARFARE TACTICS .....	470,032	470,032	470,032		470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	346,703	346,703	346,703		346,703
180	COMBAT SUPPORT FORCES .....	1,158,688	1,158,688	1,158,688		1,158,688
190	EQUIPMENT MAINTENANCE .....	113,692	113,692	113,692		113,692
200	DEPOT OPERATIONS SUPPORT .....	2,509	2,509	2,509		2,509
210	COMBATANT COMMANDERS CORE OPERATIONS .....	91,019	91,019	91,019		91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	74,780	74,780	74,780		74,780
230	CRUISE MISSILE .....	106,030	106,030	106,030		106,030
240	FLEET BALLISTIC MISSILE .....	1,233,805	1,241,305	1,233,805		1,233,805
	Engineering and Technical Services, Project 934 .....		[7,500]			
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	163,025	163,025	163,025		163,025
260	WEAPONS MAINTENANCE .....	553,269	551,469	553,269		553,269
	Heavy Weight Torpedo Program Execution .....		[-1,500]			
	Light Weight Torpedo Program Execution .....		[-300]			
270	OTHER WEAPON SYSTEMS SUPPORT .....	350,010	350,010	350,010		350,010
280	ENTERPRISE INFORMATION .....	790,685	790,685	736,385		790,685
	Underexecution .....			[-54,300]		
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,642,742	1,642,742	1,803,642	55,100	1,697,842
	Restore Sustainment shortfalls .....			[160,900]	[55,100]	
300	BASE OPERATING SUPPORT .....	4,206,136	4,206,136	4,206,136		4,206,136
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>31,173,511</b>	<b>31,188,711</b>	<b>31,335,511</b>	<b>924,600</b>	<b>32,098,111</b>
<b>MOBILIZATION</b>						
310	SHIP PREPOSITIONING AND SURGE .....	893,517	893,517	893,517		893,517
320	READY RESERVE FORCE .....	274,524	274,524	274,524		274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,727	6,727	6,727		6,727
340	SHIP ACTIVATIONS/INACTIVATIONS .....	288,154	288,154	288,154		288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	95,720	95,720	95,720		95,720
360	INDUSTRIAL READINESS .....	2,109	2,109	2,109		2,109
370	COAST GUARD SUPPORT .....	21,114	21,114	21,114		21,114
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>1,581,865</b>	<b>1,581,865</b>	<b>1,581,865</b>		<b>1,581,865</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>TRAINING AND RECRUITING</b>						
380	OFFICER ACQUISITION .....	143,815	143,815	143,815		143,815
390	RECRUIT TRAINING .....	8,519	8,519	8,519		8,519
400	RESERVE OFFICERS TRAINING CORPS .....	143,445	143,445	143,445		143,445
410	SPECIALIZED SKILL TRAINING .....	699,214	699,214	699,214		699,214
420	FLIGHT TRAINING .....	5,310	5,310	5,310		5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION .....	172,852	174,052	172,852		172,852
	Naval Sea Cadets .....		[1,200]			
440	TRAINING SUPPORT .....	222,728	222,728	222,728		222,728
450	RECRUITING AND ADVERTISING .....	225,647	225,647	225,647		225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION .....	130,569	130,569	130,569		130,569
470	CIVILIAN EDUCATION AND TRAINING .....	73,730	73,730	73,730		73,730
480	JUNIOR ROTC .....	50,400	50,400	50,400		50,400
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>1,876,229</b>	<b>1,877,429</b>	<b>1,876,229</b>		<b>1,876,229</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
490	ADMINISTRATION .....	917,453	917,453	917,453		917,453
500	EXTERNAL RELATIONS .....	14,570	14,570	14,570		14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	124,070	124,070	124,070		124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	369,767	369,767	369,767		369,767
530	OTHER PERSONNEL SUPPORT .....	285,927	285,927	281,927		285,927
	NHHC unjustified growth .....			[-4,000]		
540	SERVICEMAN COMMUNICATIONS .....	319,908	319,908	319,908		319,908
570	SERVICEMAN TRANSPORTATION .....	171,659	171,659	171,659		171,659
580	ENVIRONMENTAL PROGRAMS .....			18,000		
	Environmental program shortfall unfunded requirement .....			[18,000]		
590	PLANNING, ENGINEERING AND DESIGN .....	270,863	270,863	270,863		270,863
600	ACQUISITION AND PROGRAM MANAGEMENT .....	1,112,766	1,112,766	1,112,766		1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	49,078	49,078	49,078		49,078
620	COMBAT/WEAPONS SYSTEMS .....	24,989	24,989	24,989		24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	72,966	72,966	72,966		72,966
640	NAVAL INVESTIGATIVE SERVICE .....	595,711	595,711	595,711		595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,809	4,809	4,809		4,809
730	CLASSIFIED PROGRAMS .....	517,440	517,440	517,440		517,440
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,851,976</b>	<b>4,851,976</b>	<b>4,865,976</b>		<b>4,851,976</b>
<b>UNDISTRIBUTED</b>						
740	UNDISTRIBUTED .....		-585,600	-260,290	-416,900	-416,900
	15% printing reduction .....			[-7,300]		
	Excessive standard price for fuel .....		[-390,500]	[-238,380]	[-390,500]	
	Foreign Currency adjustments .....		[-26,400]	[-14,610]	[-26,400]	
	Historical unobligated balances .....		[-174,100]			
	Prohibition on Per Diem Allowance Reduction .....		[5,400]			
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-585,600</b>	<b>-260,290</b>	<b>-416,900</b>	<b>-416,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>39,483,581</b>	<b>38,914,381</b>	<b>39,399,291</b>	<b>507,700</b>	<b>39,991,281</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>						
<b>OPERATING FORCES</b>						
010	OPERATIONAL FORCES .....	674,613	674,613	738,313	85,700	760,313
	Enterprise network defense unfunded requirement .....			[5,700]	[5,700]	
	Exercise program unfunded requirement .....			[58,000]	[58,000]	
	Marine Corps unfunded requirement- enhanced combat helmets .....				[22,000]	
020	FIELD LOGISTICS .....	947,424	947,424	975,524	36,250	983,674
	Critical/ no fail EOD unfunded requirement .....			[600]	[600]	
	Marine Corps unfunded requirement- rifle combat optic modernization .....			[13,300]	[13,200]	
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS .....				[8,250]	
	Nano/VTOL unfunded requirement .....			[14,200]	[14,200]	
030	DEPOT MAINTENANCE .....	206,783	206,783	214,583	7,800	214,583

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Depot maintenance unfunded requirement .....			[7,800]	[7,800]	
040	MARITIME PREPOSITIONING .....	85,276	85,276	85,276		85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....	632,673	632,673	711,173	62,000	694,673
	Facility demolition unfunded requirement .....			[39,200]	[39,200]	
	Restore Sustainment shortfalls .....			[39,300]	[22,800]	
060	BASE OPERATING SUPPORT .....	2,136,626	2,136,626	2,136,626		2,136,626
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,683,395</b>	<b>4,683,395</b>	<b>4,861,495</b>	<b>191,750</b>	<b>4,875,145</b>
<b>TRAINING AND RECRUITING</b>						
070	RECRUIT TRAINING .....	15,946	15,946	15,946		15,946
080	OFFICER ACQUISITION .....	935	935	935		935
090	SPECIALIZED SKILL TRAINING .....	99,305	99,305	99,305		99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	45,495	45,995	45,495		45,495
	MOS-to-Degree Program .....		[500]			
110	TRAINING SUPPORT .....	369,979	369,979	369,979		369,979
120	RECRUITING AND ADVERTISING .....	165,566	165,566	165,566		165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	35,133	35,133	35,133		35,133
140	JUNIOR ROTC .....	23,622	23,622	23,622		23,622
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>755,981</b>	<b>756,481</b>	<b>755,981</b>		<b>755,981</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
150	SERVICEWIDE TRANSPORTATION .....	34,534	34,534	34,534		34,534
160	ADMINISTRATION .....	355,932	355,932	355,932		355,932
180	ACQUISITION AND PROGRAM MANAGEMENT .....	76,896	76,896	76,896		76,896
200	CLASSIFIED PROGRAMS .....	47,520	47,520	47,520		47,520
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>514,882</b>	<b>514,882</b>	<b>514,882</b>		<b>514,882</b>
<b>UNDISTRIBUTED</b>						
210	UNDISTRIBUTED .....		-37,700	-41,830	-6,400	-6,400
	15% printing reduction .....			[-14,300]		
	Excessive standard price for fuel .....		[-4,900]	[-24,660]	[-4,900]	
	Foreign Currency adjustments .....		[-1,500]	[-2,870]	[-1,500]	
	Historical unobligated balances .....		[-33,100]			
	Prohibition on Per Diem Allowance Reduction .....		[1,800]			
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-37,700</b>	<b>-41,830</b>	<b>-6,400</b>	<b>-6,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>5,954,258</b>	<b>5,917,058</b>	<b>6,090,528</b>	<b>185,350</b>	<b>6,139,608</b>
<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>						
<b>OPERATING FORCES</b>						
010	MISSION AND OTHER FLIGHT OPERATIONS .....	526,190	526,190	526,190		526,190
020	INTERMEDIATE MAINTENANCE .....	6,714	6,714	6,714		6,714
030	AIRCRAFT DEPOT MAINTENANCE .....	86,209	86,209	86,209	4,000	90,209
	Navy unfunded requirement—Improve Afloat Readiness .....				[4,000]	
040	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	389	389	389		389
050	AVIATION LOGISTICS .....	10,189	10,189	10,189		10,189
070	SHIP OPERATIONS SUPPORT & TRAINING .....	560	560	560	300	860
	Navy unfunded requirement—Restore Fleet Training .....				[300]	
090	COMBAT COMMUNICATIONS .....	13,173	13,173	13,173		13,173
100	COMBAT SUPPORT FORCES .....	109,053	109,053	109,053		109,053
120	ENTERPRISE INFORMATION .....	27,226	27,226	27,226		27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	27,571	27,571	33,371	1,100	28,671
	Restore Sustainment shortfalls .....			[5,800]	[1,100]	
140	BASE OPERATING SUPPORT .....	99,166	99,166	99,166		99,166
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>906,440</b>	<b>906,440</b>	<b>912,240</b>	<b>5,400</b>	<b>911,840</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
150	ADMINISTRATION .....	1,351	1,351	1,351		1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	13,251	13,251	13,251		13,251
170	SERVICEWIDE COMMUNICATIONS .....	3,445	3,445	3,445		3,445

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Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
180	ACQUISITION AND PROGRAM MANAGEMENT .....	3,169	3,169	3,169		3,169
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>21,216</b>	<b>21,216</b>	<b>21,216</b>		<b>21,216</b>
	<b>UNDISTRIBUTED</b>					
200	UNDISTRIBUTED .....		-26,600		-26,600	-26,600
	Excessive standard price for fuel .....		[-26,600]		[-26,600]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-26,600</b>		<b>-26,600</b>	<b>-26,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES .....</b>	<b>927,656</b>	<b>901,056</b>	<b>933,456</b>	<b>-21,200</b>	<b>906,456</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	94,154	94,154	94,154		94,154
020	DEPOT MAINTENANCE .....	18,594	18,594	18,594		18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	25,470	25,470	30,970	700	26,170
	Restore Sustainment shortfalls .....			[5,500]	[700]	
040	BASE OPERATING SUPPORT .....	111,550	111,550	111,550		111,550
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>249,768</b>	<b>249,768</b>	<b>255,268</b>	<b>700</b>	<b>250,468</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
050	SERVICEWIDE TRANSPORTATION .....	902	902	902		902
060	ADMINISTRATION .....	11,130	11,130	11,130		11,130
070	RECRUITING AND ADVERTISING .....	8,833	8,833	8,833		8,833
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>20,865</b>	<b>20,865</b>	<b>20,865</b>		<b>20,865</b>
	<b>UNDISTRIBUTED</b>					
090	UNDISTRIBUTED .....		-800		-800	-800
	Excessive standard price for fuel .....		[-800]		[-800]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-800</b>		<b>-800</b>	<b>-800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>	<b>270,633</b>	<b>269,833</b>	<b>276,133</b>	<b>-100</b>	<b>270,533</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	3,294,124	3,294,124	3,294,124		3,294,124
020	COMBAT ENHANCEMENT FORCES .....	1,682,045	1,682,045	1,684,845	2,800	1,684,845
	HH-60 unfunded requirement .....			[2,800]	[2,800]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,730,757	1,730,757	1,730,757		1,730,757
040	DEPOT MAINTENANCE .....	7,042,988	6,986,488	7,193,388	113,076	7,156,064
	Compass Call Program Restructure .....		[-56,500]		[-56,500]	
	Weapon system sustainment unfunded requirement .....			[150,400]	[169,576]	
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,657,019	1,657,019	1,657,019	53,000	1,710,019
	Restore Sustainment shortfalls .....				[53,000]	
060	BASE SUPPORT .....	2,787,216	2,787,216	2,787,216		2,787,216
070	GLOBAL C3I AND EARLY WARNING .....	887,831	887,831	887,831	40,000	927,831
	Air Force unfunded requirement—Ground Based Radars .....				[40,000]	
080	OTHER COMBAT OPS SPT PROGRAMS .....	1,070,178	1,070,178	1,070,178		1,070,178
100	LAUNCH FACILITIES .....	208,582	208,582	208,582		208,582
110	SPACE CONTROL SYSTEMS .....	362,250	362,250	362,250		362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	907,245	907,245	907,245		907,245
130	COMBATANT COMMANDERS CORE OPERATIONS .....	199,171	199,171	199,171		199,171
135	CLASSIFIED PROGRAMS .....	930,757	930,757	930,757		930,757
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>22,760,163</b>	<b>22,703,663</b>	<b>22,913,363</b>	<b>208,876</b>	<b>22,969,039</b>
	<b>MOBILIZATION</b>					
140	AIRLIFT OPERATIONS .....	1,703,059	1,703,059	1,703,059		1,703,059
150	MOBILIZATION PREPAREDNESS .....	138,899	138,899	138,899		138,899
160	DEPOT MAINTENANCE .....	1,553,439	1,553,439	1,619,839	66,424	1,619,863
	Weapon system sustainment unfunded requirement .....			[66,400]	[66,424]	
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	258,328	258,328	258,328	8,300	266,628

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Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Restore Sustainment shortfalls .....				[8,300]	
180	BASE SUPPORT .....	722,756	722,756	722,756		722,756
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>4,376,481</b>	<b>4,376,481</b>	<b>4,442,881</b>	<b>74,724</b>	<b>4,451,205</b>
<b>TRAINING AND RECRUITING</b>						
190	OFFICER ACQUISITION .....	120,886	120,886	120,886		120,886
200	RECRUIT TRAINING .....	23,782	23,782	23,782		23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	77,692	77,692	77,692		77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	236,254	236,254	393,954	7,600	243,854
	Restore Sustainment shortfalls .....			[157,700]	[7,600]	
230	BASE SUPPORT .....	819,915	819,915	819,915		819,915
240	SPECIALIZED SKILL TRAINING .....	387,446	387,446	387,446		387,446
250	FLIGHT TRAINING .....	725,134	725,134	725,134		725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION .....	264,213	264,213	264,213		264,213
270	TRAINING SUPPORT .....	86,681	86,681	86,681		86,681
280	DEPOT MAINTENANCE .....	305,004	305,004	305,004		305,004
290	RECRUITING AND ADVERTISING .....	104,754	104,754	77,754		104,754
	Advertising unjustified growth .....			[-27,000]		
300	EXAMINING .....	3,944	3,944	3,944		3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	184,841	184,841	184,841		184,841
320	CIVILIAN EDUCATION AND TRAINING .....	173,583	173,583	173,583		173,583
330	JUNIOR ROTC .....	58,877	58,877	58,877		58,877
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>3,573,006</b>	<b>3,573,006</b>	<b>3,703,706</b>	<b>7,600</b>	<b>3,580,606</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
340	LOGISTICS OPERATIONS .....	1,107,846	1,107,846	1,107,846		1,107,846
350	TECHNICAL SUPPORT ACTIVITIES .....	924,185	924,185	924,185		924,185
360	DEPOT MAINTENANCE .....	48,778	48,778	48,778		48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	321,013	321,013	321,013	10,300	331,313
	Restore Sustainment shortfalls .....				[10,300]	
380	BASE SUPPORT .....	1,115,910	1,115,910	1,115,910		1,115,910
390	ADMINISTRATION .....	811,650	811,650	811,650		811,650
400	SERVICEWIDE COMMUNICATIONS .....	269,809	269,809	269,809		269,809
410	OTHER SERVICEWIDE ACTIVITIES .....	961,304	961,304	961,304		961,304
420	CIVIL AIR PATROL .....	25,735	30,500	25,735	2,800	28,535
	Civil Air Patrol O&M Support .....		[4,765]		[2,800]	
450	INTERNATIONAL SUPPORT .....	90,573	90,573	90,573		90,573
460	CLASSIFIED PROGRAMS .....	1,131,603	1,131,603	1,131,603		1,131,603
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>6,808,406</b>	<b>6,813,171</b>	<b>6,808,406</b>	<b>13,100</b>	<b>6,821,506</b>
<b>UNDISTRIBUTED</b>						
470	UNDISTRIBUTED .....		-765,900	-436,910	-484,700	-484,700
	15% printing reduction .....			[-8,900]		
	Excessive standard price for fuel .....		[-368,000]	[-394,560]	[-368,000]	
	Foreign Currency adjustments .....		[-116,700]	[-33,450]	[-116,700]	
	Historical unobligated balances .....		[-288,000]			
	Prohibition on Per Diem Allowance Reduction .....		[6,800]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-765,900</b>	<b>-436,910</b>	<b>-484,700</b>	<b>-484,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>37,518,056</b>	<b>36,700,421</b>	<b>37,431,446</b>	<b>-180,400</b>	<b>37,337,656</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>						
<b>OPERATING FORCES</b>						
010	PRIMARY COMBAT FORCES .....	1,707,882	1,707,882	1,707,882		1,707,882
020	MISSION SUPPORT OPERATIONS .....	230,016	230,016	259,016		230,016
	Lodging in kind unfunded requirement .....			[29,000]		
030	DEPOT MAINTENANCE .....	541,743	541,743	541,743		541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	113,470	113,470	125,170	2,700	116,170
	Restore Sustainment shortfalls .....			[11,700]	[2,700]	
050	BASE SUPPORT .....	384,832	384,832	384,832		384,832

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,977,943</b>	<b>2,977,943</b>	<b>3,018,643</b>	<b>2,700</b>	<b>2,980,643</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>					
060	ADMINISTRATION .....	54,939	54,939	54,939		54,939
070	RECRUITING AND ADVERTISING .....	14,754	14,754	14,754		14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	12,707	12,707	12,707		12,707
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	7,210	7,210	7,210		7,210
100	AUDIOVISUAL .....	376	376	376		376
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b> .....	<b>89,986</b>	<b>89,986</b>	<b>89,986</b>		<b>89,986</b>
	<b>UNDISTRIBUTED</b>					
110	UNDISTRIBUTED .....		-59,700		-59,700	-59,700
	Excessive standard price for fuel .....		[-59,700]		[-59,700]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-59,700</b>		<b>-59,700</b>	<b>-59,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>3,067,929</b>	<b>3,008,229</b>	<b>3,108,629</b>	<b>-57,000</b>	<b>3,010,929</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>					
	<b>OPERATING FORCES</b>					
010	AIRCRAFT OPERATIONS .....	3,282,238	3,282,238	3,282,238	-4,000	3,278,238
	Unjustified growth .....				[-4,000]	
020	MISSION SUPPORT OPERATIONS .....	723,062	723,062	723,062		723,062
030	DEPOT MAINTENANCE .....	1,824,329	1,824,329	1,867,529	43,200	1,867,529
	Weapon system sustainment engines unfunded requirement .....			[3,200]	[3,200]	
	Weapon system sustainment unfunded requirement .....			[40,000]	[40,000]	
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	245,840	245,840	259,840	9,100	254,940
	Restore Sustainment shortfalls .....			[14,000]	[9,100]	
050	BASE SUPPORT .....	575,548	575,548	575,548		575,548
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,651,017</b>	<b>6,651,017</b>	<b>6,708,217</b>	<b>48,300</b>	<b>6,699,317</b>
	<b>ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b>					
060	ADMINISTRATION .....	23,715	26,239	23,715		23,715
	National Guard State Partnership Program .....		[2,524]			
070	RECRUITING AND ADVERTISING .....	28,846	28,846	28,846		28,846
	<b>SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b> .....	<b>52,561</b>	<b>55,085</b>	<b>52,561</b>		<b>52,561</b>
	<b>UNDISTRIBUTED</b>					
080	UNDISTRIBUTED .....		-117,700		-117,700	-117,700
	Excessive standard price for fuel .....		[-117,700]		[-117,700]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-117,700</b>		<b>-117,700</b>	<b>-117,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>6,703,578</b>	<b>6,588,402</b>	<b>6,760,778</b>	<b>-69,400</b>	<b>6,634,178</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....	506,113	506,113	506,113		506,113
020	OFFICE OF THE SECRETARY OF DEFENSE .....	524,439	519,439	524,439		524,439
	Program decrease .....		[-5,000]			
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES .....	4,898,159	4,898,159	4,852,859	-8,800	4,889,359
	Unjustified growth in total civilian compensation .....			[-45,300]	[-8,800]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,928,711</b>	<b>5,923,711</b>	<b>5,883,411</b>	<b>-8,800</b>	<b>5,919,911</b>
	<b>TRAINING AND RECRUITING</b>					
040	DEFENSE ACQUISITION UNIVERSITY .....	138,658	138,658	138,658		138,658
050	JOINT CHIEFS OF STAFF .....	85,701	85,701	95,701		85,701
	Model alternative design of reconnaissance strike group .....			[10,000]		
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING .....	365,349	365,349	365,349		365,349
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>589,708</b>	<b>589,708</b>	<b>599,708</b>		<b>589,708</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>					

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
080	CIVIL MILITARY PROGRAMS .....	160,480	195,480	185,480	35,339	195,819
	National Guard Youth Challenge Program .....		[15,000]		[10,339]	
	STARBASE .....		[20,000]	[25,000]	[25,000]	
100	DEFENSE CONTRACT AUDIT AGENCY .....	630,925	630,925	630,925		630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,356,380	1,356,380	1,356,380		1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY .....	683,620	683,620	683,620		683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,439,891	1,439,891	1,439,891		1,439,891
150	DEFENSE LEGAL SERVICES AGENCY .....	24,984	24,984	24,984		24,984
160	DEFENSE LOGISTICS AGENCY .....	357,964	354,964	352,164	-5,800	352,164
	Price Comparability Office unjustified growth .....		[-3,000]	[-5,800]	[-5,800]	
170	DEFENSE MEDIA ACTIVITY .....	223,422	213,422	223,422		223,422
	Program decrease .....		[-10,000]			
180	DEFENSE PERSONNEL ACCOUNTING AGENCY .....	112,681	112,681	112,681		112,681
190	DEFENSE SECURITY COOPERATION AGENCY .....	496,754	496,754	81,954	125,000	621,754
	Transfer Combatting Terrorism Fellowship to to Security Cooperation Enhancement Fund .....			[-26,800]		
	Transfer Defense Institute of International Legal Studies to Security Cooperation Enhancement Fund .....			[-2,600]		
	Transfer Defense Institution Reform Initiative to to Security Cooperation Enhancement Fund .....			[-25,600]		
	Transfer from Drug Interdiction and Counter-Drug Activities .....				[125,000]	
	Transfer Global Train and Equip to Security Cooperation Enhancement Fund .....			[-270,200]		
	Transfer Ministry of Defense Advisors to to Security Cooperation Enhancement Fund .....			[-9,200]		
	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	538,711		538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	35,417	35,417	35,417		35,417
240	DEFENSE THREAT REDUCTION AGENCY .....	448,146	448,146	448,146		448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,671,143	2,701,143	2,701,143	30,000	2,701,143
	Impact Aid .....		[30,000]	[25,000]	[25,000]	
	Impact Aid severe disabilities .....			[5,000]	[5,000]	
270	MISSILE DEFENSE AGENCY .....	446,975	446,975	446,975		446,975
290	OFFICE OF ECONOMIC ADJUSTMENT .....	155,399	155,399	123,199	-19,200	136,199
	Guam public health lab .....			[-32,200]	[-19,200]	
300	OFFICE OF THE SECRETARY OF DEFENSE .....	1,481,643	1,406,713	1,502,643	5,650	1,487,293
	Alcohol Abuse Prevention Program .....		[1,000]			
	BRAC 2017 Round Planning and Analyses .....		[-3,530]	[-4,000]	[-3,530]	
	CWMD Sustainment: Constellation program reduction .....		[-3,800]		[-3,800]	
	DOD rewards early to need .....			[-5,000]	[-1,000]	
	Intelligence Management—program reduction .....				[-1,000]	
	Program decrease .....		[-84,428]			
	Reediness environmental protection initiative .....		[15,828]		[14,980]	
	Secretary of Defense Delivery Unit .....			[30,000]		
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES .....	89,429	70,829	89,429		89,429
	SOCOM MH-60 Block Upgrades / MH-60M Replacement .....		[-18,600]			
320	WASHINGTON HEADQUARTERS SERVICES .....	629,874	619,874	629,874		629,874
	Program decrease .....		[-10,000]			
330	CLASSIFIED PROGRAMS .....	14,069,333	14,071,333	14,054,033		14,069,333
	Classified adjustment .....		[2,000]			
	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>26,003,641</b>	<b>25,661,071</b>	<b>170,989</b>	<b>26,224,160</b>
<b>UNDISTRIBUTED</b>						
340	UNDISTRIBUTED .....		-308,900	-33,080	-47,100	-47,100
	15% printing reduction .....			[-1,400]		
	Commission on Military, National, and Public Service .....			[15,000]		

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Excessive standard price for fuel .....		[-17,800]	[-41,100]	[-17,800]	
	Foreign Currency adjustments .....		[-34,300]	[-10,580]	[-34,300]	
	Historical unobligated balances .....		[-248,100]			
	Program decrease .....		[-15,000]			
	Prohibition on Per Diem Allowance Reduction .....		[6,300]			
	Temporary Duty Assignment Per Diem Rate Waiver .....			[5,000]	[5,000]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-308,900</b>	<b>-33,080</b>	<b>-47,100</b>	<b>-47,100</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>32,571,590</b>	<b>32,208,160</b>	<b>32,111,110</b>	<b>115,089</b>	<b>32,686,679</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>						
<b>MISCELLANEOUS APPROPRIATIONS</b>						
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	14,194	14,194	14,194		14,194
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	105,125	105,125	105,125		105,125
030	COOPERATIVE THREAT REDUCTION .....	325,604	325,604	325,604		325,604
050	ENVIRONMENTAL RESTORATION, ARMY .....	170,167	170,167	170,167		170,167
060	ENVIRONMENTAL RESTORATION, NAVY .....	281,762	281,762	281,762		281,762
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	371,521	371,521	371,521		371,521
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	9,009	9,009	9,009		9,009
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	197,084	197,084	197,084		197,084
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,474,466</b>	<b>1,474,466</b>	<b>1,474,466</b>		<b>1,474,466</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,474,466</b>	<b>1,474,466</b>	<b>1,474,466</b>		<b>1,474,466</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>171,318,488</b>	<b>169,322,271</b>	<b>171,389,798</b>	<b>552,408</b>	<b>171,870,896</b>

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>						
<b>OPERATING FORCES</b>						
010	MANEUVER UNITS .....	427,063	416,263	427,063	-10,800	416,263
	Army requested realignment (ERI) .....		[-10,800]		[-10,800]	
040	THEATER LEVEL ASSETS .....	1,834,423	1,904,523	1,834,423		1,834,423
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[70,100]			
050	LAND FORCES OPERATIONS SUPPORT .....	558,086	158,386	558,086	-132,000	426,086
	Army requested realignment (ERI) .....		[-132,000]		[-132,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[67,200]			
	Realign APS Unit Set Requirements to Base .....		[-334,900]			
060	AVIATION ASSETS .....	58,620	90,120	58,620		58,620
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[31,500]			
070	FORCE READINESS OPERATIONS SUPPORT .....	1,552,468	1,725,968	1,552,468	-2,000	1,550,468
	Army requested realignment (ERI) .....		[-2,000]		[-2,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[175,500]			
080	LAND FORCES SYSTEMS READINESS .....	476,853	486,853	476,853		476,853
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[10,000]			
100	BASE OPERATIONS SUPPORT .....	45,749	30,749	45,749		45,749
	Realign APS Unit Set Requirements to Base .....		[-15,000]			
140	ADDITIONAL ACTIVITIES .....	8,234,566	9,315,166	8,234,566		8,234,566
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[1,093,200]			
	Realign APS Unit Set Requirements to Base .....		[-12,600]			
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	5,000	5,000	5,000		5,000
160	RESET .....	1,100,722	1,100,722	1,100,722		1,100,722
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT .....	79,568	79,568	79,568		79,568
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>14,373,118</b>	<b>15,313,318</b>	<b>14,373,118</b>	<b>-144,800</b>	<b>14,228,318</b>
<b>MOBILIZATION</b>						

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
190	ARMY PREPOSITIONED STOCKS .....	350,200	130,000	350,200	-220,200	130,000
	Army requested realignment (ERI) .....		[-220,200]		[-220,200]	
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>350,200</b>	<b>130,000</b>	<b>350,200</b>	<b>-220,200</b>	<b>130,000</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>						
350	SERVICEWIDE TRANSPORTATION .....	720,399	739,499	720,399	120,000	840,399
	Army requested realignment (ERI) .....		[120,000]		[120,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[203,100]			
	Realign APS Unit Set Requirements to Base .....		[-304,000]			
380	AMMUNITION MANAGEMENT .....	13,974	49,074	13,974		13,974
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[35,100]			
420	OTHER PERSONNEL SUPPORT .....	105,508	105,508	105,508		105,508
450	REAL ESTATE MANAGEMENT .....	185,904	283,404	185,904		185,904
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[97,500]			
530	CLASSIFIED PROGRAMS .....	909,278	923,578	909,278		909,278
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[14,300]			
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>1,935,063</b>	<b>2,101,063</b>	<b>1,935,063</b>	<b>120,000</b>	<b>2,055,063</b>
<b>UNDISTRIBUTED</b>						
540	UNDISTRIBUTED .....		-6,083,330			
	Excessive standard price for fuel .....		[-138,600]			
	Historical unobligated balances .....		[-188,500]			
	Prorated OCO allocation in support of base readiness requirements .....		[-5,756,230]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-6,083,330</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>16,658,381</b>	<b>11,461,051</b>	<b>16,658,381</b>	<b>-245,000</b>	<b>16,413,381</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>						
<b>OPERATING FORCES</b>						
020	ECHELONS ABOVE BRIGADE .....	6,252	9,252	6,252		6,252
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[3,000]			
040	LAND FORCES OPERATIONS SUPPORT .....	2,075	3,075	2,075		2,075
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[1,000]			
060	FORCE READINESS OPERATIONS SUPPORT .....	1,140	1,440	1,140		1,140
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[300]			
090	BASE OPERATIONS SUPPORT .....	14,653	15,153	14,653		14,653
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[500]			
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>24,120</b>	<b>28,920</b>	<b>24,120</b>		<b>24,120</b>
<b>UNDISTRIBUTED</b>						
180	UNDISTRIBUTED .....		-11,394			
	Prorated OCO allocation in support of base readiness requirements .....		[-11,394]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-11,394</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>24,120</b>	<b>17,526</b>	<b>24,120</b>		<b>24,120</b>
<b>OPERATION &amp; MAINTENANCE, ARNG</b>						
<b>OPERATING FORCES</b>						
010	MANEUVER UNITS .....	10,564	16,564	10,564		10,564
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[6,000]			
020	MODULAR SUPPORT BRIGADES .....	748	748	748		748
030	ECHELONS ABOVE BRIGADE .....	5,751	7,451	5,751		5,751
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[1,700]			
040	THEATER LEVEL ASSETS .....	200	200	200		200
060	AVIATION ASSETS .....	27,183	30,983	27,183		27,183
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[3,800]			
070	FORCE READINESS OPERATIONS SUPPORT .....	2,741	2,741	2,741		2,741
100	BASE OPERATIONS SUPPORT .....	18,800	18,800	18,800		18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	920	920	920		920
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>66,907</b>	<b>78,407</b>	<b>66,907</b>		<b>66,907</b>

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>UNDISTRIBUTED</b>						
190	UNDISTRIBUTED .....		-30,892			
	Prorated OCO allocation in support of base readiness requirements .....		[-30,892]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-30,892</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>66,907</b>	<b>47,515</b>	<b>66,907</b>		<b>66,907</b>
<b>AFGHANISTAN SECURITY FORCES FUND</b>						
<b>MINISTRY OF DEFENSE</b>						
010	SUSTAINMENT .....	2,173,341	2,173,341	2,173,341		2,173,341
020	INFRASTRUCTURE .....	48,262	48,262	48,262		48,262
030	EQUIPMENT AND TRANSPORTATION .....	821,716	921,547	821,716		821,716
	Maintain security forces at fiscal year 2016 levels .....		[99,831]			
040	TRAINING AND OPERATIONS .....	289,139	350,555	289,139		289,139
	Maintain security forces at fiscal year 2016 levels .....		[61,416]			
	<b>SUBTOTAL MINISTRY OF DEFENSE</b> .....	<b>3,332,458</b>	<b>3,493,705</b>	<b>3,332,458</b>		<b>3,332,458</b>
<b>MINISTRY OF INTERIOR</b>						
050	SUSTAINMENT .....	860,441	880,300	860,441		860,441
	Maintain security forces at fiscal year 2016 levels .....		[19,859]			
060	INFRASTRUCTURE .....	20,837	20,837	20,837		20,837
070	EQUIPMENT AND TRANSPORTATION .....	8,153	116,573	8,153		8,153
	Maintain security forces at fiscal year 2016 levels .....		[108,420]			
080	TRAINING AND OPERATIONS .....	41,326	65,342	41,326		41,326
	Maintain security forces at fiscal year 2016 levels .....		[24,016]			
	<b>SUBTOTAL MINISTRY OF INTERIOR</b> .....	<b>930,757</b>	<b>1,083,052</b>	<b>930,757</b>		<b>930,757</b>
<b>UNDISTRIBUTED</b>						
110	UNDISTRIBUTED .....		-1,482,289			
	Prorated OCO allocation in support of base readiness requirements .....		[-1,482,289]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-1,482,289</b>			
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND</b> .....	<b>4,263,215</b>	<b>3,094,468</b>	<b>4,263,215</b>		<b>4,263,215</b>
<b>IRAQ TRAIN AND EQUIP FUND</b>						
<b>IRAQ TRAIN AND EQUIP FUND</b>						
010	IRAQ TRAIN AND EQUIP FUND .....	919,500	969,500	1,549,500	-919,500	0
	Support to Kurdish and Sunni tribal security forces for operations in Mosul, Iraq .....		[50,000]			
	Transfer from Coalition Support Fund .....			[180,000]		
	Transfer from Counterterrorism Partnership Fund .....			[200,000]		
	Transfer from Syria Train and Equip Fund .....			[250,000]		
	Transfer to Counter-ISIL Fund .....				[-919,500]	
	<b>SUBTOTAL IRAQ TRAIN AND EQUIP FUND</b> .....	<b>919,500</b>	<b>969,500</b>	<b>1,549,500</b>	<b>-919,500</b>	<b>0</b>
<b>UNDISTRIBUTED</b>						
020	UNDISTRIBUTED .....		-267,913			
	Prorated OCO allocation in support of base readiness requirements .....		[-267,913]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-267,913</b>			
	<b>TOTAL IRAQ TRAIN AND EQUIP FUND</b> .....	<b>919,500</b>	<b>701,587</b>	<b>1,549,500</b>	<b>-919,500</b>	<b>0</b>
<b>SYRIA TRAIN AND EQUIP FUND</b>						
<b>SYRIA TRAIN AND EQUIP FUND</b>						
010	SYRIA TRAIN AND EQUIP FUND .....	250,000	250,000		-250,000	0
	Transfer to Counter-ISIL Fund .....			[-250,000]	[-250,000]	
	<b>SUBTOTAL SYRIA TRAIN AND EQUIP FUND</b> .....	<b>250,000</b>	<b>250,000</b>		<b>-250,000</b>	<b>0</b>
<b>UNDISTRIBUTED</b>						

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
020	UNDISTRIBUTED .....		-98,497			
	Prorated OCO allocation in support of base readiness requirements .....		[-98,497]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-98,497</b>			
	<b>TOTAL SYRIA TRAIN AND EQUIP FUND</b> .....	<b>250,000</b>	<b>151,503</b>		<b>-250,000</b>	<b>0</b>
	<b>COUNTER-ISIL FUND</b>					
	<b>COUNTER-ISIL FUND</b>					
010	COUNTER-ISIL FUND .....				1,169,500	1,169,500
	Transfer from Iraq Train and Equip .....				[919,500]	
	Transfer from Syria Train and Equip .....				[250,000]	
	<b>SUBTOTAL COUNTER-ISIL FUND</b> .....				<b>1,169,500</b>	<b>1,169,500</b>
	<b>TOTAL COUNTER-ISIL FUND</b> .....				<b>1,169,500</b>	<b>1,169,500</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	427,452	427,452	427,452		427,452
040	AIR OPERATIONS AND SAFETY SUPPORT .....	4,603	4,603	4,603		4,603
050	AIR SYSTEMS SUPPORT .....	159,049	159,049	159,049		159,049
060	AIRCRAFT DEPOT MAINTENANCE .....	113,994	113,994	113,994		113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	1,840	1,840	1,840		1,840
080	AVIATION LOGISTICS .....	35,529	35,529	35,529		35,529
090	MISSION AND OTHER SHIP OPERATIONS .....	1,073,080	1,073,080	1,073,080		1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING .....	17,306	17,306	17,306		17,306
110	SHIP DEPOT MAINTENANCE .....	2,128,431	2,128,431	2,128,431		2,128,431
130	COMBAT COMMUNICATIONS .....	21,257	21,257	21,257		21,257
160	WARFARE TACTICS .....	22,603	22,603	22,603		22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	22,934	22,934	22,934		22,934
180	COMBAT SUPPORT FORCES .....	575,305	575,305	575,305		575,305
190	EQUIPMENT MAINTENANCE .....	11,358	11,358	11,358		11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	61,000	61,000	61,000		61,000
260	WEAPONS MAINTENANCE .....	309,045	309,045	309,045		309,045
270	OTHER WEAPON SYSTEMS SUPPORT .....	8,000	8,000	8,000		8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	7,819	7,819	7,819		7,819
300	BASE OPERATING SUPPORT .....	61,493	61,493	61,493		61,493
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,062,098</b>	<b>5,062,098</b>	<b>5,062,098</b>		<b>5,062,098</b>
	<b>MOBILIZATION</b>					
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	1,530	1,530	1,530		1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	6,713	6,713	6,713		6,713
370	COAST GUARD SUPPORT .....	162,692	162,692	162,692		162,692
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>170,935</b>	<b>170,935</b>	<b>170,935</b>		<b>170,935</b>
	<b>TRAINING AND RECRUITING</b>					
410	SPECIALIZED SKILL TRAINING .....	43,365	43,365	43,365		43,365
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>43,365</b>	<b>43,365</b>	<b>43,365</b>		<b>43,365</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
490	ADMINISTRATION .....	3,764	3,764	3,764		3,764
500	EXTERNAL RELATIONS .....	515	515	515		515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	5,409	5,409	5,409		5,409
530	OTHER PERSONNEL SUPPORT .....	1,578	1,578	1,578		1,578
570	SERVICEWIDE TRANSPORTATION .....	126,700	126,700	126,700		126,700
600	ACQUISITION AND PROGRAM MANAGEMENT .....	9,261	9,261	9,261		9,261
640	NAVAL INVESTIGATIVE SERVICE .....	1,501	1,501	1,501		1,501
730	CLASSIFIED PROGRAMS .....	16,280	16,280	16,280		16,280
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>165,008</b>	<b>165,008</b>	<b>165,008</b>		<b>165,008</b>
	<b>UNDISTRIBUTED</b>					

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
740	UNDISTRIBUTED .....		-2,226,518			
	Excessive standard price for fuel .....		[-120,300]			
	Prorated OCO allocation in support of base readiness requirements .....		[-2,106,218]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-2,226,518</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>5,441,406</b>	<b>3,214,888</b>	<b>5,441,406</b>		<b>5,441,406</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>					
	<b>OPERATING FORCES</b>					
010	OPERATIONAL FORCES .....	571,935	638,235	571,935		571,935
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[66,300]			
020	FIELD LOGISTICS .....	266,094	266,094	266,094		266,094
030	DEPOT MAINTENANCE .....	147,000	147,000	147,000		147,000
060	BASE OPERATING SUPPORT .....	18,576	18,576	18,576		18,576
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,003,605</b>	<b>1,069,905</b>	<b>1,003,605</b>		<b>1,003,605</b>
	<b>TRAINING AND RECRUITING</b>					
110	TRAINING SUPPORT .....	31,750	31,750	31,750		31,750
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>31,750</b>	<b>31,750</b>	<b>31,750</b>		<b>31,750</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
150	SERVICEWIDE TRANSPORTATION .....	73,800	89,800	73,800		73,800
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[16,000]			
200	CLASSIFIED PROGRAMS .....	3,650	3,650	3,650		3,650
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>77,450</b>	<b>93,450</b>	<b>77,450</b>		<b>77,450</b>
	<b>UNDISTRIBUTED</b>					
210	UNDISTRIBUTED .....		-413,593			
	Excessive standard price for fuel .....		[-9,100]			
	Prorated OCO allocation in support of base readiness requirements .....		[-404,493]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-413,593</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>1,112,805</b>	<b>781,512</b>	<b>1,112,805</b>		<b>1,112,805</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>					
	<b>OPERATING FORCES</b>					
030	AIRCRAFT DEPOT MAINTENANCE .....	16,500	16,500	16,500		16,500
050	AVIATION LOGISTICS .....	2,522	2,522	2,522		2,522
100	COMBAT SUPPORT FORCES .....	7,243	7,243	7,243		7,243
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>26,265</b>	<b>26,265</b>	<b>26,265</b>		<b>26,265</b>
	<b>UNDISTRIBUTED</b>					
200	UNDISTRIBUTED .....		-10,448			
	Excessive standard price for fuel .....		[-100]			
	Prorated OCO allocation in support of base readiness requirements .....		[-10,348]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-10,448</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....	<b>26,265</b>	<b>15,817</b>	<b>26,265</b>		<b>26,265</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	2,500	2,500	2,500		2,500
040	BASE OPERATING SUPPORT .....	804	804	804		804
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,304</b>	<b>3,304</b>	<b>3,304</b>		<b>3,304</b>
	<b>UNDISTRIBUTED</b>					
090	UNDISTRIBUTED .....		-1,302			
	Prorated OCO allocation in support of base readiness requirements .....		[-1,302]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-1,302</b>			

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b>		<b>3,304</b>	<b>2,002</b>	<b>3,304</b>		<b>3,304</b>
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>						
<b>OPERATING FORCES</b>						
010	PRIMARY COMBAT FORCES	1,852,159	1,883,059	1,880,159	38,000	1,890,159
	Enhancing readiness levels of DCA aircraft		[10,000]		[10,000]	
	ERI nuclear readiness			[28,000]	[28,000]	
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]			
020	COMBAT ENHANCEMENT FORCES	1,127,319	1,148,219	1,127,319		1,127,319
	Operational support for deployed end strength of 9,800 in Afghanistan		[20,900]			
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278	152,278		152,278
040	DEPOT MAINTENANCE	1,061,506	1,087,106	1,061,506	25,600	1,087,106
	Compass Call Program Restructure		[25,600]		[25,600]	
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700	56,700		56,700
060	BASE SUPPORT	941,714	941,714	941,714		941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219	30,219		30,219
080	OTHER COMBAT OPS SPT PROGRAMS	213,696	223,696	213,696	5,000	218,696
	Promoting additional DCA burden sharing		[5,000]		[5,000]	
	Supporting DCA dispersal CONOP development		[5,000]			
100	LAUNCH FACILITIES	869	869	869		869
110	SPACE CONTROL SYSTEMS	5,008	5,008	5,008		5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081	100,081		100,081
135	CLASSIFIED PROGRAMS	79,893	79,893	79,893		79,893
<b>SUBTOTAL OPERATING FORCES</b>		<b>5,621,442</b>	<b>5,708,842</b>	<b>5,649,442</b>	<b>68,600</b>	<b>5,690,042</b>
<b>MOBILIZATION</b>						
140	AIRLIFT OPERATIONS	2,606,729	2,704,429	2,606,729		2,606,729
	Operational support for deployed end strength of 9,800 in Afghanistan		[97,700]			
150	MOBILIZATION PREPAREDNESS	108,163	108,163	108,163		108,163
160	DEPOT MAINTENANCE	891,102	891,102	891,102		891,102
180	BASE SUPPORT	3,686	3,686	3,686		3,686
<b>SUBTOTAL MOBILIZATION</b>		<b>3,609,680</b>	<b>3,707,380</b>	<b>3,609,680</b>		<b>3,609,680</b>
<b>TRAINING AND RECRUITING</b>						
230	BASE SUPPORT	52,740	52,740	52,740		52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500	4,500		4,500
<b>SUBTOTAL TRAINING AND RECRUITING</b>		<b>57,240</b>	<b>57,240</b>	<b>57,240</b>		<b>57,240</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
340	LOGISTICS OPERATIONS	86,716	86,716	86,716		86,716
380	BASE SUPPORT	59,133	59,133	59,133		59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348	165,348		165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	141,883	116,783	-25,058	116,825
	Program reduction			[-25,100]	[-25,058]	
450	INTERNATIONAL SUPPORT	61	61	61		61
460	CLASSIFIED PROGRAMS	15,823	15,823	15,823		15,823
<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b>		<b>468,964</b>	<b>468,964</b>	<b>443,864</b>	<b>-25,058</b>	<b>443,906</b>
<b>UNDISTRIBUTED</b>						
470	UNDISTRIBUTED		-3,868,111			
	Excessive standard price for fuel		[-101,600]			
	Prorated OCO allocation in support of base readiness requirements		[-3,766,511]			
<b>SUBTOTAL UNDISTRIBUTED</b>			<b>-3,868,111</b>			
<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b>		<b>9,757,326</b>	<b>6,074,315</b>	<b>9,760,226</b>	<b>43,542</b>	<b>9,800,868</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>						
<b>OPERATING FORCES</b>						
030	DEPOT MAINTENANCE	51,086	51,086	51,086		51,086
050	BASE SUPPORT	6,500	6,500	6,500		6,500

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>57,586</b>	<b>57,586</b>	<b>57,586</b>		<b>57,586</b>
	<b>UNDISTRIBUTED</b>					
110	UNDISTRIBUTED .....		-22,788			
	Excessive standard price for fuel .....		[-100]			
	Prorated OCO allocation in support of base readiness requirements .....		[-22,688]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-22,788</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>57,586</b>	<b>34,798</b>	<b>57,586</b>		<b>57,586</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>					
	<b>OPERATING FORCES</b>					
020	MISSION SUPPORT OPERATIONS .....	3,400	3,400	3,400		3,400
050	BASE SUPPORT .....	16,600	16,600	16,600		16,600
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>		<b>20,000</b>
	<b>UNDISTRIBUTED</b>					
080	UNDISTRIBUTED .....		-7,880			
	Prorated OCO allocation in support of base readiness requirements .....		[-7,880]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-7,880</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>20,000</b>	<b>12,120</b>	<b>20,000</b>		<b>20,000</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....		10,000		10,000	10,000
	Enhancing exercise of DCA aircraft .....		[10,000]		[10,000]	
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES .....	2,853,363	3,022,963	2,853,363		2,853,363
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[169,600]			
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,853,363</b>	<b>3,032,963</b>	<b>2,853,363</b>	<b>10,000</b>	<b>2,863,363</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>					
100	DEFENSE CONTRACT AUDIT AGENCY .....	13,436	13,436	13,436		13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY .....	13,564	13,564	13,564		13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY .....	34,299	34,299	34,299		34,299
150	DEFENSE LEGAL SERVICES AGENCY .....	111,986	111,986	111,986		111,986
170	DEFENSE MEDIA ACTIVITY .....	13,317	13,317	13,317		13,317
190	DEFENSE SECURITY COOPERATION AGENCY .....	1,412,000	1,412,000	312,000	750,000	2,162,000
	Reduction to Coalition Support Funds .....			[-100,000]		
	Transfer from Counterterrorism Partnership Fund .....				[750,000]	
	Transfer to Counter-ISIL Fund .....			[-180,000]		
	Transfer to Security Cooperation Enhancement Fund .....			[-820,000]		
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	67,000	67,000	67,000		67,000
300	OFFICE OF THE SECRETARY OF DEFENSE .....	31,106	31,106	31,106		31,106
320	WASHINGTON HEADQUARTERS SERVICES .....	3,137	3,137	3,137		3,137
330	CLASSIFIED PROGRAMS .....	1,803,880	1,803,880	1,803,880		1,803,880
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b> .....	<b>3,503,725</b>	<b>3,503,725</b>	<b>2,403,725</b>	<b>750,000</b>	<b>4,253,725</b>
	<b>UNDISTRIBUTED</b>					
340	UNDISTRIBUTED .....		-2,418,878			
	Excessive standard price for fuel .....		[-6,800]			
	Operational support for deployed end strength of 9,800 in Afghanistan .....		[1,000]			
	Prorated OCO allocation in support of base readiness requirements .....		[-2,413,078]			
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>-2,418,878</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....	<b>6,357,088</b>	<b>4,117,810</b>	<b>5,257,088</b>	<b>760,000</b>	<b>7,117,088</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>44,957,903</b>	<b>29,726,912</b>	<b>44,240,803</b>	<b>558,542</b>	<b>45,516,445</b>

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>						
<b>OPERATING FORCES</b>						
010	MANEUVER UNITS .....	317,093	367,093	317,093		317,093
	Army unfunded requirement—Improve training from BN+ to BCT- .....		[50,000]			
020	MODULAR SUPPORT BRIGADES .....	5,904	5,904	5,904		5,904
030	ECHELONS ABOVE BRIGADE .....	38,614	38,614	38,614		38,614
040	THEATER LEVEL ASSETS .....	8,361	8,361	8,361		8,361
050	LAND FORCES OPERATIONS SUPPORT .....	279,072	279,072	279,072		279,072
060	AVIATION ASSETS .....	106,424	206,924	106,424		106,424
	Army unfunded requirement—Meet air readiness targets .....		[68,000]			
	Increase to support ARI—Eleventh CAB .....		[32,500]			
070	FORCE READINESS OPERATIONS SUPPORT .....	253,533	253,533	253,533		253,533
090	LAND FORCES DEPOT MAINTENANCE .....	350,000	350,000	350,000		350,000
100	BASE OPERATIONS SUPPORT .....		22,100			0
	Increase to support ARI—Eleventh CAB .....		[22,100]			
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		922,000		113,800	113,800
	Increase Restoration & Modernization funding .....		[494,900]		[113,800]	
	Restore Sustainment shortfalls .....		[427,100]			
140	ADDITIONAL ACTIVITIES .....	11,200	11,200	11,200		11,200
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>1,370,201</b>	<b>2,464,801</b>	<b>1,370,201</b>	<b>113,800</b>	<b>1,484,001</b>
<b>TRAINING AND RECRUITING</b>						
250	SPECIALIZED SKILL TRAINING .....	3,565	3,565	3,565		3,565
260	FLIGHT TRAINING .....		42,934			0
	Army unfunded requirement—Ensure AVN restructure initiative execution .....		[5,405]			
	Army unfunded requirement—Increase student workload for additional warrant officers .....		[31,125]			
	Army unfunded requirement—Train full ARPINT load of 990 .....		[6,404]			
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	9,021	40,621	9,021		9,021
	Military Training and PME .....		[31,600]			
280	TRAINING SUPPORT .....	2,434	2,434	2,434		2,434
290	RECRUITING AND ADVERTISING .....		356,500		284,800	284,800
	Recruiting and Advertising Add .....		[356,500]		[284,800]	
320	CIVILIAN EDUCATION AND TRAINING .....	1,254	1,254	1,254		1,254
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>16,274</b>	<b>447,308</b>	<b>16,274</b>	<b>284,800</b>	<b>301,074</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>						
350	SERVICEWIDE TRANSPORTATION .....	200,000	265,000	200,000		200,000
	Army unfunded requirement—Restore critical shortfalls .....		[65,000]			
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>200,000</b>	<b>265,000</b>	<b>200,000</b>		<b>200,000</b>
<b>UNDISTRIBUTED</b>						
540	UNDISTRIBUTED .....		704,300		563,400	563,400
	Additional funding to support increase in Army end strength .....		[704,300]		[563,400]	
	<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>704,300</b>		<b>563,400</b>	<b>563,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>1,586,475</b>	<b>3,881,409</b>	<b>1,586,475</b>	<b>962,000</b>	<b>2,548,475</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>						
<b>OPERATING FORCES</b>						
010	MODULAR SUPPORT BRIGADES .....	708	708	708		708
020	ECHELONS ABOVE BRIGADE .....	8,570	28,570	8,570		8,570
	Army unfunded requirement—Improve training from PLT to CO proficiency .....		[20,000]			
030	THEATER LEVEL ASSETS .....	375	375	375		375
040	LAND FORCES OPERATIONS SUPPORT .....	13	13	13		13
050	AVIATION ASSETS .....	608	608	608		608
060	FORCE READINESS OPERATIONS SUPPORT .....	4,285	4,285	4,285		4,285

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		97,500		13,100	13,100
	Increase Restoration & Modernization funding .....		[57,100]		[13,100]	
	Restore Sustainment shortfalls .....		[40,400]			
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>14,559</b>	<b>132,059</b>	<b>14,559</b>	<b>13,100</b>	<b>27,659</b>
	<b>UNDISTRIBUTED</b>					
180	UNDISTRIBUTED .....		103,400		82,700	82,700
	Additional funding to support increase in Army Reserve end strength .....		[103,400]		[82,700]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>103,400</b>		<b>82,700</b>	<b>82,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>14,559</b>	<b>235,459</b>	<b>14,559</b>	<b>95,800</b>	<b>110,359</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>					
010	MANEUVER UNITS .....	5,585	5,585	5,585		5,585
030	ECHELONS ABOVE BRIGADE .....	28,956	28,956	28,956		28,956
040	THEATER LEVEL ASSETS .....	10,272	10,272	10,272		10,272
060	AVIATION ASSETS .....	5,621	51,621	5,621		5,621
	Increase to support ARI .....		[46,000]			
070	FORCE READINESS OPERATIONS SUPPORT .....	9,694	9,694	9,694		9,694
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		121,000		1,500	1,500
	Increase Restoration & Modernization funding .....		[16,800]		[1,500]	
	Restore Sustainment shortfalls .....		[104,200]			
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>60,128</b>	<b>227,128</b>	<b>60,128</b>	<b>1,500</b>	<b>61,628</b>
	<b>UNDISTRIBUTED</b>					
190	UNDISTRIBUTED .....		159,100		127,300	127,300
	Additional funding to support increase in Army National Guard end strength .....		[159,100]		[127,300]	
	<b>SUBTOTAL UNDISTRIBUTED</b> .....		<b>159,100</b>		<b>127,300</b>	<b>127,300</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>60,128</b>	<b>386,228</b>	<b>60,128</b>	<b>128,800</b>	<b>188,928</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	500,000	556,520	500,000		500,000
	Carrier Air Wing Restoration .....		[56,520]			
020	FLEET AIR TRAINING .....		23,020			0
	Carrier Air Wing Restoration .....		[23,020]			
050	AIR SYSTEMS SUPPORT .....		6,500			0
	Marine Corps unfunded requirement—accelerate readiness - H-1 .....		[5,300]			
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....		[1,200]			
060	AIRCRAFT DEPOT MAINTENANCE .....		36,000			0
	Carrier Air Wing Restoration .....		[6,000]			
	Navy unfunded requirement—Improve Afloat Readiness .....		[30,000]			
080	AVIATION LOGISTICS .....		33,500			0
	Marine Corps unfunded requirement—accelerate readiness - KC-130J .....		[6,800]			
	Marine Corps unfunded requirement—accelerate readiness - MV-22B .....		[10,700]			
	Navy unfunded requirement—Improve Afloat Readiness .....		[16,000]			
090	MISSION AND OTHER SHIP OPERATIONS .....		348,200			0
	Cruiser Modernization .....		[90,200]			
	Navy unfunded requirement—Improve Afloat Readiness .....		[158,000]			
	Navy unfunded requirement—Restore 3 CG Deployments .....		[41,000]			
	Navy unfunded requirement—Reverse PONCE (LPD-15) Inactivation .....		[59,000]			

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
100	SHIP OPERATIONS SUPPORT & TRAINING .....		19,700			0
	Navy unfunded requirement—Restore Fleet Training .....		[19,700]			
110	SHIP DEPOT MAINTENANCE .....	775,000	1,084,100	775,000		775,000
	Cruiser Modernization .....		[71,100]			
	Navy unfunded requirement—Ship Depot Wholeness .....		[238,000]			
120	SHIP DEPOT OPERATIONS SUPPORT .....		79,000			0
	Navy unfunded requirement—Increase Afloat Readiness .....		[79,000]			
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	19,270	408,470	19,270	26,100	45,370
	Increase Restoration & Modernization funding .....		[113,600]		[26,100]	
	Restore Sustainment shortfalls .....		[275,600]			
300	BASE OPERATING SUPPORT .....	158,032	158,032	158,032		158,032
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,452,302</b>	<b>2,753,042</b>	<b>1,452,302</b>	<b>26,100</b>	<b>1,478,402</b>
<b>MOBILIZATION</b>						
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	3,597	3,597	3,597		3,597
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>3,597</b>	<b>3,597</b>	<b>3,597</b>		<b>3,597</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
540	SERVICEWIDE COMMUNICATIONS .....	25,617	25,617	25,617		25,617
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>25,617</b>	<b>25,617</b>	<b>25,617</b>		<b>25,617</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>1,481,516</b>	<b>2,782,256</b>	<b>1,481,516</b>	<b>26,100</b>	<b>1,507,616</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>						
<b>OPERATING FORCES</b>						
010	OPERATIONAL FORCES .....	300,000	322,000	300,000		300,000
	Marine Corps unfunded requirement- enhanced combat hel-		[22,000]			
	mets .....					
020	FIELD LOGISTICS .....		21,450			0
	Marine Corps unfunded requirement- rifle combat optic		[13,200]			
	modernization .....					
	Marine Corps unfunded requirement- SPMAGTF—C4 UUNS ...		[8,250]			
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....		145,600		7,200	7,200
	Increase Restoration & Modernization funding .....		[31,400]		[7,200]	
	Restore Sustainment shortfalls .....		[114,200]			
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>300,000</b>	<b>489,050</b>	<b>300,000</b>	<b>7,200</b>	<b>307,200</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>300,000</b>	<b>489,050</b>	<b>300,000</b>	<b>7,200</b>	<b>307,200</b>
<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>						
<b>OPERATING FORCES</b>						
030	AIRCRAFT DEPOT MAINTENANCE .....		4,000			0
	Navy unfunded requirement—Improve Afloat Readiness .....		[4,000]			
070	SHIP OPERATIONS SUPPORT & TRAINING .....		300			0
	Navy unfunded requirement—Restore Fleet Training .....		[300]			
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....		7,800		500	500
	Increase Restoration & Modernization funding .....		[2,100]		[500]	
	Restore Sustainment shortfalls .....		[5,700]			
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>12,100</b>		<b>500</b>	<b>500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....		<b>12,100</b>		<b>500</b>	<b>500</b>
<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>						
<b>OPERATING FORCES</b>						
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....		7,700		1,000	1,000
	Increase Restoration & Modernization funding .....		[4,300]		[1,000]	
	Restore Sustainment shortfalls .....		[3,400]			
	<b>SUBTOTAL OPERATING FORCES</b> .....		<b>7,700</b>		<b>1,000</b>	<b>1,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b> .....		<b>7,700</b>		<b>1,000</b>	<b>1,000</b>

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>						
<b>OPERATING FORCES</b>						
040	DEPOT MAINTENANCE .....	124,000	447,576	124,000		124,000
	Air Force unfunded requirement—Weapons System Sustainment .....		[323,576]			
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		407,900		32,900	32,900
	Increase Restoration & Modernization funding .....		[142,900]		[32,900]	
	Restore Sustainment shortfalls .....		[265,000]			
070	GLOBAL C3I AND EARLY WARNING .....		40,000			0
	Air Force unfunded requirement—Ground Based Radars .....		[40,000]			
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>124,000</b>	<b>895,476</b>	<b>124,000</b>	<b>32,900</b>	<b>156,900</b>
<b>MOBILIZATION</b>						
160	DEPOT MAINTENANCE .....		66,424			0
	Air Force unfunded requirement—Weapons System Sustainment .....		[66,424]			
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		63,600		5,100	5,100
	Increase Restoration & Modernization funding .....		[22,300]		[5,100]	
	Restore Sustainment shortfalls .....		[41,300]			
	<b>SUBTOTAL MOBILIZATION .....</b>		<b>130,024</b>		<b>5,100</b>	<b>5,100</b>
<b>TRAINING AND RECRUITING</b>						
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		58,200		4,700	4,700
	Increase Restoration & Modernization funding .....		[20,400]		[4,700]	
	Restore Sustainment shortfalls .....		[37,800]			
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>		<b>58,200</b>		<b>4,700</b>	<b>4,700</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		79,000		6,400	6,400
	Increase Restoration & Modernization funding .....		[27,700]		[6,400]	
	Restore Sustainment shortfalls .....		[51,300]			
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>		<b>79,000</b>		<b>6,400</b>	<b>6,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>124,000</b>	<b>1,162,700</b>	<b>124,000</b>	<b>49,100</b>	<b>173,100</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>						
<b>OPERATING FORCES</b>						
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		20,500		1,600	1,600
	Increase Restoration & Modernization funding .....		[7,100]		[1,600]	
	Restore Sustainment shortfalls .....		[13,400]			
	<b>SUBTOTAL OPERATING FORCES .....</b>		<b>20,500</b>		<b>1,600</b>	<b>1,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>		<b>20,500</b>		<b>1,600</b>	<b>1,600</b>
<b>OPERATION &amp; MAINTENANCE, ANG</b>						
<b>OPERATING FORCES</b>						
030	DEPOT MAINTENANCE .....		40,000			0
	Air Force unfunded requirement—Weapons System Sustainment .....		[40,000]			
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....		64,500		4,300	4,300
	Increase Restoration & Modernization funding .....		[18,900]		[4,300]	
	Restore Sustainment shortfalls .....		[45,600]			
	<b>SUBTOTAL OPERATING FORCES .....</b>		<b>104,500</b>		<b>4,300</b>	<b>4,300</b>
<b>ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b>						
070	RECRUITING AND ADVERTISING .....		67,000			0
	Air Force unfunded requirement .....		[67,000]			
	<b>SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES .....</b>		<b>67,000</b>			<b>0</b>

SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b>		171,500		4,300	4,300
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	14,344	14,344	14,344		14,344
	<b>SUBTOTAL OPERATING FORCES</b>	<b>14,344</b>	<b>14,344</b>	<b>14,344</b>		<b>14,344</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>					
130	DEFENSE INFORMATION SYSTEMS AGENCY	14,700	14,700	14,700		14,700
330	CLASSIFIED PROGRAMS	9,000	9,000	9,000		9,000
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>	<b>23,700</b>	<b>23,700</b>	<b>23,700</b>		<b>23,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>	<b>38,044</b>	<b>38,044</b>	<b>38,044</b>		<b>38,044</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b>	<b>3,604,722</b>	<b>9,186,946</b>	<b>3,604,722</b>	<b>1,276,400</b>	<b>4,881,122</b>

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL  
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Military Personnel Appropriations</b>	<b>128,902,332</b>	<b>-419,418</b>	<b>-1,250,890</b>	<b>-699,768</b>	<b>128,202,564</b>
Military Personnel Pay Raise				[330,000]	
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus				[49,000]	
Foreign currency adjustments		[-200,400]	[-72,940]	[-200,400]	
Historical unobligated balances		[-248,700]	[-880,450]	[-880,050]	
National Guard State Partnership Program, Army, Special Training		[841]		[841]	
National Guard State Partnership Program, Air Force, Special Training		[841]		[841]	
Prohibition on Per Diem Allowance Reduction		[28,000]			
Defense Officer Personnel Management Act reforms			[100,000]		
Non-adoption of Air Force Pilot Bonus Increase			[-2,500]		
Non-adoption of DOD retirement reforms			[-400,000]		
Rural Guard Act			[5,000]		
<b>Medicare-Eligible Retiree Health Fund Contributions</b>	<b>6,366,908</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,366,908</b>
<b>Total, Military Personnel</b>	<b>135,269,240</b>	<b>-419,418</b>	<b>-1,250,890</b>	<b>-699,768</b>	<b>134,569,472</b>

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Military Personnel Appropriations</b>	<b>3,644,161</b>	<b>-1,299,721</b>	<b>0</b>	<b>0</b>	<b>3,644,161</b>
Maintain end strength of 9,800 in Afghanistan		[130,300]			
Prorated OCO allocation in support of base readiness requirements		[-1,430,021]			
<b>Total, Military Personnel Appropriations</b>	<b>3,644,161</b>	<b>-1,299,721</b>	<b>0</b>	<b>0</b>	<b>3,644,161</b>

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Military Personnel Appropriations</b>	<b>62,965</b>	<b>2,509,750</b>	<b>0</b>	<b>1,287,500</b>	<b>1,350,465</b>

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Item	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Fund Active Army End Strength to 476k .....		[1,123,500]		[719,000]	
Fund Army National Guard End Strength to 343k .....		[303,700]		[129,600]	
Fund Army Reserves End Strength to 199k .....		[166,650]		[53,300]	
Fund Active Navy End Strength to 323.9k .....		[65,300]		[29,600]	
Fund Active Air Force End Strength to 321k .....		[145,000]		[116,000]	
Fund Active Marine Corps End Strength to 185k .....		[300,000]		[240,000]	
Military Personnel Pay Raise .....		[330,000]			
Marine Corps—Bonus Pay/PCS Resotral/Foreign Language Bonus .....		[75,600]			
<b>Medicare-Eligible Retiree Health Fund Contributions .....</b>	<b>0</b>	<b>49,900</b>	<b>0</b>	<b>0</b>	<b>0</b>
Increase associated with additional end strength .....		[49,900]			
<b>Total, Military Personnel .....</b>	<b>62,965</b>	<b>2,559,650</b>	<b>0</b>	<b>1,287,500</b>	<b>1,350,465</b>

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>					
SUPPLY MANAGEMENT—ARMY .....	56,469	56,469	56,469		56,469
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>56,469</b>	<b>56,469</b>	<b>56,469</b>		<b>56,469</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>					
SUPPLIES AND MATERIALS .....	63,967	63,967	63,967		63,967
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>63,967</b>	<b>63,967</b>	<b>63,967</b>		<b>63,967</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
SUPPLY CHAIN MANAGEMENT—DEF .....	37,132	37,132	37,132		37,132
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>37,132</b>	<b>37,132</b>	<b>37,132</b>		<b>37,132</b>
<b>WORKING CAPITAL FUND, DECA</b>					
COMMISSARY .....	1,214,045	1,214,045	1,214,045		1,214,045
<b>TOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,214,045</b>	<b>1,214,045</b>	<b>1,214,045</b>		<b>1,214,045</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>					
NATIONAL DEF SEALIFT VESSEL .....		85,000			
National Security Multi-Mission Vehicle .....		[85,000]			
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>		<b>85,000</b>			
<b>NATIONAL SEA-BASED DETERRENCE FUND</b>					
DEVELOPMENT .....		773,138			
Realignment of funds to the National Sea-Based Deterrence Fund .....		[773,138]			
<b>TOTAL NATIONAL SEA-BASED DETERRENCE FUND .....</b>		<b>773,138</b>			
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>					
OPERATION & MAINTENANCE .....	147,282	147,282	147,282		147,282
RDT&E .....	388,609	388,609	388,609		388,609
PROCUREMENT .....	15,132	15,132	15,132		15,132
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>	<b>551,023</b>	<b>551,023</b>	<b>551,023</b>		<b>551,023</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	730,087	793,087	471,787	−125,000	605,087
Counter narcotics operations .....		[3,000]			
National Guard counter-drug programs .....		[30,000]			
SOUTHCOM Operational Support .....		[30,000]			
Transfer to Defense Security Cooperation Agency .....			[−258,300]	[−125,000]	

SEC. 4501. OTHER AUTHORIZATIONS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
DRUG DEMAND REDUCTION PROGRAM .....	114,713	114,713	114,713		114,713
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>844,800</b>	<b>907,800</b>	<b>586,500</b>	<b>-125,000</b>	<b>719,800</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION AND MAINTENANCE .....	318,882	318,882	311,582		318,882
Audit FTE unjustified growth .....			[-7,300]		
RDT&E .....	3,153	3,153	3,153		3,153
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>322,035</b>	<b>322,035</b>	<b>314,735</b>		<b>322,035</b>
<b>DEFENSE HEALTH PROGRAM</b>					
<b>OPERATION &amp; MAINTENANCE</b>					
IN-HOUSE CARE .....	9,240,160	9,240,160	9,240,160		9,240,160
PRIVATE SECTOR CARE .....	15,738,759	15,738,759	15,738,759		15,738,759
CONSOLIDATED HEALTH SUPPORT .....	2,367,759	2,367,759	2,367,759		2,367,759
INFORMATION MANAGEMENT .....	1,743,749	1,743,749	1,743,749		1,743,749
MANAGEMENT ACTIVITIES .....	311,380	311,380	311,380		311,380
EDUCATION AND TRAINING .....	743,231	743,231	743,231		743,231
BASE OPERATIONS/COMMUNICATIONS .....	2,086,352	2,086,352	2,086,352		2,086,352
<b>SUBTOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>32,231,390</b>	<b>32,231,390</b>	<b>32,231,390</b>		<b>32,231,390</b>
<b>RDT&amp;E</b>					
RESEARCH .....	9,097	9,097	9,097		9,097
EXPLORATORY DEVELOPMENT .....	58,517	58,517	58,517		58,517
ADVANCED DEVELOPMENT .....	221,226	221,226	221,226		221,226
DEMONSTRATION/VALIDATION .....	96,602	96,602	96,602		96,602
ENGINEERING DEVELOPMENT .....	364,057	364,057	364,057		364,057
MANAGEMENT AND SUPPORT .....	58,410	58,410	58,410		58,410
CAPABILITIES ENHANCEMENT .....	14,998	14,998	14,998		14,998
<b>SUBTOTAL RDT&amp;E .....</b>	<b>822,907</b>	<b>822,907</b>	<b>822,907</b>		<b>822,907</b>
<b>PROCUREMENT</b>					
INITIAL OUTFITTING .....	20,611	20,611	20,611		20,611
REPLACEMENT & MODERNIZATION .....	360,727	360,727	360,727		360,727
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM .....	2,413	2,413	2,413		2,413
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION .....	29,468	29,468	29,468		29,468
<b>SUBTOTAL PROCUREMENT .....</b>	<b>413,219</b>	<b>413,219</b>	<b>413,219</b>		<b>413,219</b>
<b>UNDISTRIBUTED</b>					
Foreign Currency adjustments .....		[-20,400]	[-6,470]		
Historical unobligated balances .....		[-399,100]		[-399,100]	
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]	[-6,500]	
Reimbursement rates for Comprehensive Autism Care Demonstration program .....			[40,000]	[32,000]	
TRICARE reform implementation .....			[400,000]		
<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-419,500</b>	<b>433,530</b>	<b>-373,600</b>	<b>-373,600</b>
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>33,467,516</b>	<b>33,048,016</b>	<b>33,901,046</b>	<b>-373,600</b>	<b>33,093,916</b>
<b>SECURITY COOPERATION ENHANCEMENT FUND (SCEF)</b>					
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]		

SEC. 4501. OTHER AUTHORIZATIONS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Transfer of Wales Initiative Fund/Partnership for Peace .....			[21,800]		
<b>TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....</b>			<b>673,100</b>		
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>36,556,987</b>	<b>37,058,625</b>	<b>37,398,017</b>	<b>-498,600</b>	<b>36,058,387</b>

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>					
<b>INDUSTRIAL OPERATIONS</b>					
SUPPLY MANAGEMENT—ARMY .....	46,833	46,833	46,833		46,833
UNDISTRIBUTED .....		-18,452			
Prorated OCO allocation in support of base readiness requirements .....		[-18,452]			
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>46,833</b>	<b>28,381</b>	<b>46,833</b>		<b>46,833</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
DEFENSE LOGISTICS AGENCY (DLA) .....	93,800	93,800	93,800		93,800
UNDISTRIBUTED .....		-36,956			
Prorated OCO allocation in support of base readiness requirements .....		[-36,956]			
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>93,800</b>	<b>56,844</b>	<b>93,800</b>		<b>93,800</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	191,533	191,533	191,533		191,533
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>191,533</b>	<b>191,533</b>	<b>191,533</b>		<b>191,533</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION AND MAINTENANCE .....	22,062	22,062	22,062		22,062
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>22,062</b>	<b>22,062</b>	<b>22,062</b>		<b>22,062</b>
<b>DEFENSE HEALTH PROGRAM</b>					
<b>OPERATION AND MAINTENANCE</b>					
IN-HOUSE CARE .....	95,366	95,366	95,366		95,366
PRIVATE SECTOR CARE .....	235,620	235,620	235,620		235,620
CONSOLIDATED HEALTH SUPPORT .....	3,325	3,325	3,325		3,325
<b>SUBTOTAL OPERATION AND MAINTENANCE .....</b>	<b>334,311</b>	<b>334,311</b>	<b>334,311</b>		<b>334,311</b>
<b>UNDISTRIBUTED</b>					
Prorated OCO allocation in support of base readiness requirements .....		[-130,711]			
<b>SUBTOTAL UNDISTRIBUTED .....</b>		<b>-130,711</b>			
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>334,311</b>	<b>203,600</b>	<b>334,311</b>		<b>334,311</b>
<b>UKRAINE SECURITY ASSISTANCE</b>					
UKRAINE SECURITY ASSISTANCE .....		150,000	350,000	350,000	350,000
Program increase .....		[150,000]	[350,000]	[350,000]	
<b>TOTAL UKRAINE SECURITY ASSISTANCE .....</b>		<b>150,000</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>
<b>COUNTERTERRORISM PARTNERSHIPS FUND</b>					
COUNTERTERRORISM PARTNERSHIPS FUND .....	1,000,000	750,000		-1,000,000	
Ahead of need .....			[-150,000]		
Program decrease .....		[-250,000]		[-250,000]	
Transfer to Counter-ISIL Fund .....			[-200,000]	[-750,000]	
Transfer to Security Cooperation Enhancement Fund .....			[-650,000]		
<b>TOTAL COUNTERTERRORISM PARTNERSHIPS FUND .....</b>	<b>1,000,000</b>	<b>750,000</b>		<b>-1,000,000</b>	
<b>SECURITY COOPERATION ENHANCEMENT FUND (SCEF)</b>					

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....			1,470,000		
Transfer from Coalition Support Fund .....			[820,000]		
Transfer from Counterterrorism Partnership Fund .....			[650,000]		
<b>TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....</b>			<b>1,470,000</b>		
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,688,539</b>	<b>1,402,420</b>	<b>2,508,539</b>	<b>-650,000</b>	<b>1,038,539</b>

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Program Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	23,800	23,800	23,800		23,800
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>23,800</b>	<b>23,800</b>	<b>23,800</b>		<b>23,800</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>23,800</b>	<b>23,800</b>	<b>23,800</b>		<b>23,800</b>

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	ALASKA	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000	47,000		47,000
Army	CALIFORNIA	Concord	Access Control Point	12,600	12,600	12,600		12,600
Army	COLORADO	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100	8,100		8,100
Army	COLORADO	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000	5,000		5,000
Army	CUBA	Guantanamo Bay	Guantanamo Bay Naval Station Migration Complex	33,000	33,000	0		33,000
Army	GEORGIA	Fort Gordon	Access Control Point	0	29,000	0		0
Army	GEORGIA	Fort Gordon	Company Operations Facility	0	10,600	10,600	10,600	10,600
Army	GEORGIA	Fort Gordon	Cyber Protection Team Ops Facility	90,000	90,000	90,000		90,000
Army	GEORGIA	Fort Stewart	Automated Qualification/Training Range	14,800	14,800	14,800		14,800
Army	GERMANY	East Camp Grafenwoehr	Training Support Center	22,000	22,000	22,000		22,000
Army	GERMANY	Garmisch	Dining Facility	9,600	9,600	9,600		9,600
Army	GERMANY	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500	16,500		16,500
Army	GERMANY	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700	2,700		2,700
Army	HAWAII	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000	40,000		40,000
Army	MISSOURI	Fort Leonard Wood	Fire Station	0	6,900	0	6,900	6,900
Army	TEXAS	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600	7,600		7,600
Army	UTAH	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400	7,400		7,400
Army	VIRGINIA	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000	64,000		64,000
Army	VIRGINIA	Fort Belvoir	Vehicle Maintenance Shop	0	23,000	0	23,000	23,000
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000	18,000		18,000
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000	25,000	10,000	35,000
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159	80,159		80,159
<b>Military Construction, Army Total .....</b>				<b>503,459</b>	<b>572,959</b>	<b>481,059</b>	<b>50,500</b>	<b>553,959</b>
Navy	ARIZONA	Yuma	VMX-22 Maintenance Hangar	48,355	48,355	48,355		48,355
Navy	CALIFORNIA	Coronado	Coastal Campus Entry Control Point	13,044	13,044	13,044		13,044
Navy	CALIFORNIA	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104	81,104		81,104
Navy	CALIFORNIA	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353	10,353		10,353
Navy	CALIFORNIA	Lemoore	F-35C Engine Repair Facility	26,723	26,723	26,723		26,723
Navy	CALIFORNIA	Miramar	Aircraft Maintenance Hangar, Incr 1	0	79,399	0	79,399	79,399

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	CALIFORNIA	Miramar	Communications Complex & Infrastructure Up-grade	0	34,700	34,700	34,700	34,700
Navy	CALIFORNIA	Miramar	F-35 Aircraft Parking Apron	0	40,000	40,000	40,000	40,000
Navy	CALIFORNIA	San Diego	Energy Security Hospital Microgrid	6,183	0	0	-6,183	0
Navy	CALIFORNIA	Seal Beach	Missile Magazines	21,007	21,007	21,007		21,007
Navy	FLORIDA	Eglin AFB	WMD Field Training Facilities	20,489	20,489	20,489		20,489
Navy	FLORIDA	Mayport NS	Advanced Wastewater Treatment Plant	0	66,000	0		0
Navy	FLORIDA	Pensacola	A-School Dormitory	0	53,000	0		0
Navy	GUAM	Joint Region Marianas	Hardening of Guam POL Infrastructure	26,975	26,975	26,975		26,975
Navy	GUAM	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210	62,210		62,210
Navy	HAWAII	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384	43,384		43,384
Navy	HAWAII	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565	72,565		72,565
Navy	JAPAN	Kadena AB	Aircraft Maintenance Complex	26,489	26,489	26,489		26,489
Navy	JAPAN	Sasebo	Shore Power (Juliet Pier)	16,420	16,420	16,420		16,420
Navy	MAINE	Kittery	Unaccompanied Housing	17,773	17,773	17,773		17,773
Navy	MAINE	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119	30,119		30,119
Navy	MARYLAND	Patuxent River	UCLASS RDT&E Hangar	40,576	40,576	40,576		40,576
Navy	NEVADA	Fallon	Air Wing Simulator Facility	13,523	13,523	13,523		13,523
Navy	NORTH CAROLINA	Camp Lejeune	Range Facilities Safety Improvements	18,482	18,482	18,482		18,482
Navy	NORTH CAROLINA	Cherry Point	Central Heating Plant Conversion	12,515	12,515	12,515		12,515
Navy	SOUTH CAROLINA	Beaufort	Aircraft Maintenance Hangar	83,490	83,490	83,490		83,490
Navy	SOUTH CAROLINA	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882	29,882		29,882
Navy	SPAIN	Rota	Communication Station	23,607	23,607	23,607		23,607
Navy	VIRGINIA	Norfolk	Chambers Field Magazine Recap Ph I	0	27,000	27,000	27,000	27,000
Navy	WASHINGTON	Bangor	SEAWOLF Class Service Pier	0	73,000	0	73,000	73,000
Navy	WASHINGTON	Bangor	Service Pier Electrical Upgrades	18,939	18,939	18,939		18,939
Navy	WASHINGTON	Bangor	Submarine Refit Maint Support Facility	21,476	21,476	21,476		21,476
Navy	WASHINGTON	Bremerton	Nuclear Repair Facility	6,704	6,704	6,704		6,704
Navy	WASHINGTON	Whidbey Island	EA-18G Maintenance Hangar	45,501	45,501	45,501		45,501
Navy	WASHINGTON	Whidbey Island	Triton Mission Control Facility	30,475	30,475	30,475		30,475
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	88,230	88,230	88,230		88,230
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790	29,790		29,790
Navy	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380	41,380		41,380
<b>Military Construction, Navy Total</b>				<b>1,027,763</b>	<b>1,394,679</b>	<b>1,123,280</b>	<b>247,916</b>	<b>1,275,679</b>
AF	ALABAMA	Maxwell AFB	JAG School Expansion	0	0	0	15,500	15,500
AF	ALASKA	Clear AFS	Fire Station	20,000	20,000	20,000		20,000
AF	ALASKA	Eielson AFB	F-35A ADAL Field Training Detachment Fac	22,100	22,100	22,100		22,100
AF	ALASKA	Eielson AFB	F-35A Aircraft Weather Shelter (Sqd 2)	82,300	0	82,300		82,300
AF	ALASKA	Eielson AFB	F-35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500	79,500		79,500
AF	ALASKA	Eielson AFB	F-35A Earth Covered Magazines	11,300	11,300	11,300		11,300
AF	ALASKA	Eielson AFB	F-35A Hangar/Propulsion MX/Dispatch	44,900	44,900	44,900		44,900
AF	ALASKA	Eielson AFB	F-35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700	42,700		42,700
AF	ALASKA	Eielson AFB	F-35A Missile Maintenance Facility	12,800	12,800	12,800		12,800
AF	ALASKA	Joint Base Elmendorf-Richardson	Add/Alter AWACS Alert Hangar	29,000	29,000	29,000		29,000
AF	ARIZONA	Luke AFB	F-35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000	20,000		20,000
AF	AUSTRALIA	Darwin	APR—Aircraft MX Support Facility	1,800	1,800	1,800		1,800
AF	AUSTRALIA	Darwin	APR—Expand Parking Apron	28,600	28,600	28,600		28,600
AF	CALIFORNIA	Edwards AFB	Flightline Fire Station	24,000	24,000	24,000		24,000
AF	COLORADO	Buckley AFB	Small Arms Range Complex	13,500	13,500	13,500		13,500
AF	DELAWARE	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000	39,000		39,000
AF	FLORIDA	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000	75,000		75,000
AF	FLORIDA	Eglin AFB	Dormitories (288 rooms)	0	0	0	35,000	35,000
AF	FLORIDA	Eglin AFB	Flightline Fire Station	13,600	13,600	13,600		13,600
AF	FLORIDA	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500	13,500		13,500
AF	GEORGIA	Moody AFB	Personnel Recovery 4-Bay Hangar/Helo MX Unit	30,900	30,900	30,900		30,900
AF	GERMANY	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit	13,437	13,437	13,437		13,437
AF	GERMANY	Spangdahlem AB	EIC—Site Development and Infrastructure	43,465	43,465	43,465		43,465
AF	GUAM	Joint Region Marianas	APR—Munitions Storage Igloos, Ph 2	35,300	35,300	35,300		35,300
AF	GUAM	Joint Region Marianas	APR—SATCOM C4I Facility	14,200	14,200	14,200		14,200
AF	GUAM	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158	31,158		31,158
AF	ILLINOIS	Scott AFB	Consolidated Corrosion Facility add/alter	0	0	0	41,000	41,000

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
AF	JAPAN	Kadena AB	APR—Replace Munitions Structures	19,815	19,815	19,815		19,815
AF	JAPAN	Yokota AB	C-130J Corrosion Control Hangar	23,777	23,777	23,777		23,777
AF	JAPAN	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243	8,243		8,243
AF	KANSAS	McConnell AFB	Air Traffic Control Tower	11,200	11,200	11,200		11,200
AF	KANSAS	McConnell AFB	KC-46A ADAL Taxiway Delta	5,600	5,600	5,600		5,600
AF	KANSAS	McConnell AFB	KC-46A Alter Flight Simulator Bldgs	3,000	3,000	3,000		3,000
AF	LOUISIANA	Barksdale AFB	Consolidated Communication Facility	21,000	21,000	21,000		21,000
AF	MARIANA ISLANDS	Unspecified Location	APR—Land Acquisition	9,000	9,000	9,000		9,000
AF	MARYLAND	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000	13,000		13,000
AF	MARYLAND	Joint Base Andrews	Consolidated Communications Center	0	50,000	50,000	50,000	50,000
AF	MARYLAND	Joint Base Andrews	PAR Relocate JADOC Satellite Site	3,500	3,500	3,500		3,500
AF	MASSACHUSETTS	Hanscom AFB	Construct Vandenberg Gate Complex	0	10,965	0	10,965	10,965
AF	MASSACHUSETTS	Hanscom AFB	System Management Engineering Facility	20,000	20,000	20,000		20,000
AF	MONTANA	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600	14,600		14,600
AF	NEVADA	Nellis AFB	F-35A POL Fill Stand Addition	10,600	10,600	10,600		10,600
AF	NEW MEXICO	Cannon AFB	North Fitness Center	21,000	21,000	21,000		21,000
AF	NEW MEXICO	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600	10,600		10,600
AF	NEW MEXICO	Kirtland AFB	Combat Rescue Helicopter Simulator	7,300	7,300	7,300		7,300
AF	OHIO	Wright-Patterson AFB	Relocated Entry Control Facility 26A	12,600	12,600	12,600		12,600
AF	OKLAHOMA	Altus AFB	KC-46A FTU/FTC Simulator Facility Ph 2	11,600	11,600	11,600		11,600
AF	OKLAHOMA	Tinker AFB	E-3G Mission and Flight Simulator Training Facility	0	26,000	26,000	26,000	26,000
AF	OKLAHOMA	Tinker AFB	KC-46A Depot System Integration Laboratory	17,000	17,000	17,000		17,000
AF	SOUTH CAROLINA	Joint Base Charleston	Fire & Rescue Station	0	17,000	0	17,000	17,000
AF	TEXAS	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300	67,300		67,300
AF	TURKEY	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449	13,449		13,449
AF	UNITED ARAB EMIRATES	Al Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400	35,400		35,400
AF	UNITED KINGDOM	RAF Croughton	JIAC Consolidation—Ph 3	53,082	0	53,082		53,082
AF	UNITED KINGDOM	RAF Croughton	Main Gate Complex	16,500	16,500	16,500		16,500
AF	UTAH	Hill AFB	649 MUNS Munitions Storage Magazines	6,600	6,600	6,600		6,600
AF	UTAH	Hill AFB	649 MUNS Precision Guided Missile MX Facility	8,700	8,700	8,700		8,700
AF	UTAH	Hill AFB	649 MUNS STAMP/Maint & Inspection Facility	12,000	12,000	12,000		12,000
AF	UTAH	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100	7,100		7,100
AF	UTAH	Hill AFB	F-35A Munitions Maintenance Complex	10,100	10,100	10,100		10,100
AF	VIRGINIA	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000	45,000		45,000
AF	VIRGINIA	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200	14,200		14,200
AF	WASHINGTON	Fairchild AFB	Pipeline Dorm, USAF SERE School (150 RM)	27,000	27,000	27,000		27,000
AF	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Planning & Design	143,582	163,582	143,582		143,582
AF	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	63,082	30,000	10,000	40,000
AF	WYOMING	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550	5,550		5,550
<b>Military Construction, Air Force Total .....</b>				<b>1,481,058</b>	<b>1,502,723</b>	<b>1,557,058</b>	<b>205,465</b>	<b>1,686,523</b>
Def-Wide	ALASKA	Clear AFS	Long Range Discrim Radar Sys Complex Ph 1	155,000	100,000	155,000		155,000
Def-Wide	ALASKA	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560	9,560		9,560
Def-Wide	ALASKA	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900	4,900		4,900
Def-Wide	ARIZONA	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493	4,493		4,493
Def-Wide	CALIFORNIA	Coronado	SOF Human Performance Training Center	15,578	15,578	15,578		15,578
Def-Wide	CALIFORNIA	Coronado	SOF Seal Team Ops Facility	47,290	47,290	47,290		47,290
Def-Wide	CALIFORNIA	Coronado	SOF Seal Team Ops Facility	47,290	47,290	47,290		47,290
Def-Wide	CALIFORNIA	Coronado	SOF Special RECON Team ONE Operations Fac	20,949	20,949	20,949		20,949
Def-Wide	CALIFORNIA	Coronado	SOF Training Detachment ONE Ops Facility	44,305	44,305	44,305		44,305
Def-Wide	CALIFORNIA	Travis AFB	Replace Hydrant Fuel System	26,500	26,500	26,500		26,500
Def-Wide	DELAWARE	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115	44,115		44,115
Def-Wide	DIEGO GARCIA	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000	30,000		30,000
Def-Wide	FLORIDA	Patrick AFB	Replace Fuel Tanks	10,100	10,100	10,100		10,100
Def-Wide	GEORGIA	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820	4,820		4,820
Def-Wide	GEORGIA	Fort Gordon	Medical Clinic Replacement	25,000	25,000	25,000		25,000
Def-Wide	GERMANY	Kaiserlautern AB	Sembach Elementary/Middle School Replacement	45,221	45,221	45,221		45,221
Def-Wide	GERMANY	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063	58,063		58,063

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Def-Wide	JAPAN	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664	6,664		6,664
Def-Wide	JAPAN	Kadena AB	Kadena Elementary School Replacement	84,918	84,918	84,918		84,918
Def-Wide	JAPAN	Kadena AB	Medical Materiel Warehouse	20,881	20,881	20,881		20,881
Def-Wide	JAPAN	Kadena AB	SOF Maintenance Hangar	42,823	42,823	42,823		42,823
Def-Wide	JAPAN	Kadena AB	SOF Simulator Facility (MC-130)	12,602	12,602	12,602		12,602
Def-Wide	JAPAN	Yokota AB	Airfield Apron	41,294	41,294	41,294		41,294
Def-Wide	JAPAN	Yokota AB	Hangar/AMU	39,466	39,466	39,466		39,466
Def-Wide	JAPAN	Yokota AB	Operations and Warehouse Facilities	26,710	26,710	26,710		26,710
Def-Wide	JAPAN	Yokota AB	Simulator Facility	6,261	6,261	6,261		6,261
Def-Wide	KWAJALEIN	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500	85,500		85,500
Def-Wide	MAINE	Kittery	Medical/Dental Clinic Replacement	27,100	27,100	27,100		27,100
Def-Wide	MARYLAND	Bethesda Naval Hos- pital	MEDCEN Addition/Alteration Incr 1	50,000	50,000	50,000		50,000
Def-Wide	MARYLAND	Fort Meade	Access Control Facility	21,000	21,000	21,000		21,000
Def-Wide	MARYLAND	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000	17,000		17,000
Def-Wide	MARYLAND	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	145,000	195,000		195,000
Def-Wide	MISSOURI	St. Louis	Land Acquisition—Next NGA West Campus	801	0	801		801
Def-Wide	NORTH CAROLINA	Camp Lejeune	Dental Clinic Replacement	31,000	31,000	31,000		31,000
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905	10,905		10,905
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420	21,420		21,420
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Special Tactics Facility (Ph 3)	30,670	30,670	30,670		30,670
Def-Wide	NORTH CAROLINA	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598	23,598		23,598
Def-Wide	SOUTH CAROLINA	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000	17,000		17,000
Def-Wide	TEXAS	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700	44,700		44,700
Def-Wide	TEXAS	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910	91,910		91,910
Def-Wide	UNITED KINGDOM	RAF Croughton	Croughton Elem/Middle/High School Replace- ment	71,424	71,424	71,424		71,424
Def-Wide	UNITED KINGDOM	RAF Lakenheath	Construct Hydrant Fuel System	13,500	13,500	13,500		13,500
Def-Wide	VIRGINIA	Pentagon	Pentagon Metro Entrance Facility	12,111	12,111	0		12,111
Def-Wide	VIRGINIA	Pentagon	Upgrade IT Facilities Infrastructure—RRMC	8,105	8,105	8,105		8,105
Def-Wide	WAKE ISLAND	Wake Island	Test Support Facility	11,670	11,670	11,670		11,670
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Battalion Complex	0	0	64,400		0
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000	10,000	-10,000	0
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Energy Conservation Investment Program De- sign	10,000	0	10,000	-10,000	0
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000	150,000		150,000
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631	8,631		8,631
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design, Defense Wide	13,450	23,450	13,450	10,000	23,450
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design, DODEA	23,585	23,585	23,585		23,585
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design, NGA	71,647	36,000	71,647	-35,647	36,000
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design, NSA	24,000	24,000	24,000		24,000
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design, WHS	3,427	3,427	3,427		3,427
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994	5,994		5,994
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500	8,500		8,500
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913	3,913		3,913
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414	2,414		2,414
Def-Wide	WORLDWIDE UN- SPECIFIED	Various Worldwide Lo- cations	Planning & Design, DLA	27,660	27,660	27,660		27,660
Def-Wide	WORLDWIDE UN- SPECIFIED	Various Worldwide Lo- cations	Planning and Design, SOCOM	27,653	27,653	27,653		27,653

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Def-Wide	WORLDWIDE UN-SPECIFIED LOCATIONS	Unspecified Worldwide Locations	Planning & Design, MDA	0	15,000	0	15,000	15,000
<b>Military Construction, Defense-Wide Total</b>				<b>2,056,091</b>	<b>1,929,643</b>	<b>2,108,380</b>	<b>-30,647</b>	<b>2,025,444</b>
NATO	WORLDWIDE UN-SPECIFIED	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932	177,932		177,932
<b>NATO Security Investment Program Total</b>				<b>177,932</b>	<b>177,932</b>	<b>177,932</b>	<b>0</b>	<b>177,932</b>
Army NG	COLORADO	Fort Carson	National Guard Readiness Center	0	16,500	16,500	16,500	16,500
Army NG	HAWAII	Hilo	Combined Support Maintenance Shop	31,000	31,000	31,000		31,000
Army NG	IOWA	Davenport	National Guard Readiness Center	23,000	23,000	23,000		23,000
Army NG	KANSAS	Fort Leavenworth	National Guard Readiness Center	29,000	29,000	29,000		29,000
Army NG	NEW HAMPSHIRE	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000	11,000		11,000
Army NG	NEW HAMPSHIRE	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900	8,900		8,900
Army NG	OKLAHOMA	Ardmore	National Guard Readiness Center	22,000	22,000	22,000		22,000
Army NG	PENNSYLVANIA	Fort Indiantown Gap	Access Control Buildings	0	20,000	0	20,000	20,000
Army NG	PENNSYLVANIA	York	National Guard Readiness Center	9,300	9,300	9,300		9,300
Army NG	RHODE ISLAND	East Greenwich	National Guard/Reserve Center Building (JFHQ)	20,000	20,000	20,000		20,000
Army NG	UTAH	Camp Williams	National Guard Readiness Center	37,000	37,000	37,000		37,000
Army NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	8,729	8,729	8,729		8,729
Army NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001	12,001		12,001
Army NG	WYOMING	Camp Guernsey	General Instruction Building	0	31,000	0	31,000	31,000
Army NG	WYOMING	Laramie	National Guard Readiness Center	21,000	21,000	21,000		21,000
<b>Military Construction, Army National Guard Total</b>				<b>232,930</b>	<b>300,430</b>	<b>249,430</b>	<b>67,500</b>	<b>300,430</b>
Army Res	ARIZONA	Phoenix	Army Reserve Center	0	30,000	30,000	30,000	30,000
Army Res	CALIFORNIA	Barstow	Equipment Concentration Site	0	29,000	0		0
Army Res	CALIFORNIA	Camp Parks	Transient Training Barracks	19,000	19,000	19,000		19,000
Army Res	CALIFORNIA	Fort Hunter Liggett	Emergency Services Center	21,500	21,500	21,500		21,500
Army Res	VIRGINIA	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000	6,000		6,000
Army Res	WASHINGTON	Joint Base Lewis-McChord	Army Reserve Center	0	27,500	0		0
Army Res	WISCONSIN	Fort McCoy	AT/MOB Dining Facility	11,400	11,400	11,400		11,400
Army Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design	7,500	7,500	7,500		7,500
Army Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830	2,830		2,830
<b>Military Construction, Army Reserve Total</b>				<b>68,230</b>	<b>154,730</b>	<b>98,230</b>	<b>30,000</b>	<b>98,230</b>
N/MC Res	LOUISIANA	New Orleans	Joint Reserve Intelligence Center	11,207	11,207	11,207		11,207
N/MC Res	NEW YORK	Brooklyn	Electric Feeder Ductbank	1,964	1,964	1,964		1,964
N/MC Res	NEW YORK	Syracuse	Marine Corps Reserve Center	13,229	13,229	13,229		13,229
N/MC Res	TEXAS	Galveston	Reserve Center Annex	8,414	8,414	8,414		8,414
N/MC Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783	3,783		3,783
<b>Military Construction, Naval Reserve Total</b>				<b>38,597</b>	<b>38,597</b>	<b>38,597</b>	<b>0</b>	<b>38,597</b>
Air NG	CONNECTICUT	Bradley IAP	Construct Small Air Terminal	6,300	6,300	6,300		6,300
Air NG	FLORIDA	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000	9,000		9,000
Air NG	HAWAII	Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	11,000	11,000	11,000		11,000
Air NG	IOWA	Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600	12,600		12,600
Air NG	MARYLAND	Joint Base Andrews	Munitions Load Crew Trng/Corrosion Cntrl Facility	0	5,000	0	5,000	5,000
Air NG	MINNESOTA	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600	7,600		7,600
Air NG	NEW HAMPSHIRE	Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	1,500	1,500	1,500		1,500
Air NG	NORTH CAROLINA	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar	29,600	29,600	29,600		29,600
Air NG	NORTH CAROLINA	Charlotte/Douglas IAP	C-17 Type III Hydrant Refueling System	21,000	21,000	21,000		21,000
Air NG	OHIO	Toledo Express Airport	Indoor Small Arms Range	0	6,000	0	6,000	6,000
Air NG	SOUTH CAROLINA	McEntire ANGS	Replace Operations and Training Facility	8,400	8,400	8,400		8,400
Air NG	TEXAS	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500	4,500		4,500
Air NG	VERMONT	Burlington IAP	F-35 Beddown 4-Bay Flight Simulator	4,500	4,500	4,500		4,500

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Air NG	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	29,495	17,495		17,495
Air NG	WORLDWIDE UN-SPECIFIED	Various Worldwide Locations	Planning and Design	10,462	10,462	10,462		10,462
<b>Military Construction, Air National Guard Total</b>				<b>143,957</b>	<b>166,957</b>	<b>143,957</b>	<b>11,000</b>	<b>154,957</b>
AF Res	GUAM	Andersen AFB	Reserve Medical Training Facility	0	5,200	0		0
AF Res	MASSACHUSETTS	Westover ARB	Indoor Small Arms Range	0	9,200	0		0
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A ADAL Bldg for AGE/Fuselage Training	5,700	5,700	5,700		5,700
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250	2,250		2,250
AF Res	NORTH CAROLINA	Seymour Johnson AFB	KC-46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000	90,000		90,000
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System	22,800	22,800	22,800		22,800
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 Const/OverlayTaxiway and Apron	8,200	8,200	8,200		8,200
AF Res	PENNSYLVANIA	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar	54,000	54,000	54,000		54,000
AF Res	UTAH	Hill AFB	ADAL Life Support Facility	0	3,050	0		0
AF Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,500	4,500	4,500		4,500
AF Res	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500	1,500		1,500
<b>Military Construction, Air Force Reserve Total</b>				<b>188,950</b>	<b>206,400</b>	<b>188,950</b>	<b>0</b>	<b>188,950</b>
FH Con Army	KOREA	Camp Humphreys	Family Housing New Construction, Incr 1	143,563	100,000	143,563	-43,563	100,000
FH Con Army	KOREA	Camp Walker	Family Housing New Construction	54,554	54,554	54,554		54,554
FH Con Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	2,618	2,618	2,618		2,618
<b>Family Housing Construction, Army Total</b>				<b>200,735</b>	<b>157,172</b>	<b>200,735</b>	<b>-43,563</b>	<b>157,172</b>
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	10,178	10,178	10,178		10,178
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	19,146	19,146	19,146		19,146
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	131,761	131,761	131,761		131,761
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	60,745	60,745	60,745		60,745
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	40,344	40,344	40,344		40,344
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	400	400	400		400
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	7,993	7,993	7,993		7,993
FH Ops Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	55,428	55,428	55,428		55,428
<b>Family Housing Operation And Maintenance, Army Total</b>				<b>325,995</b>	<b>325,995</b>	<b>325,995</b>	<b>0</b>	<b>325,995</b>
FH Con Navy	MARIANA ISLANDS	Guam	Replace Andersen Housing Ph I	78,815	78,815	78,815		78,815
FH Con Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047	11,047		11,047
FH Con Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,149	4,149	4,149		4,149
<b>Family Housing Construction, Navy And Marine Corps Total</b>				<b>94,011</b>	<b>94,011</b>	<b>94,011</b>	<b>0</b>	<b>94,011</b>
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	17,457	17,457	17,457		17,457
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320	26,320		26,320
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	54,689	54,689	54,689		54,689
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	81,254	81,254	81,254		81,254
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	51,291	51,291	51,291		51,291
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	364	364	364		364
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	12,855	12,855	12,855		12,855

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Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
FH Ops Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	56,685	56,685	56,685		56,685
<b>Family Housing Operation And Maintenance, Navy And Marine Corps Total .....</b>				<b>300,915</b>	<b>300,915</b>	<b>300,915</b>	<b>0</b>	<b>300,915</b>
FH Con AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984	56,984		56,984
FH Con AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning & Design	4,368	4,368	4,368		4,368
<b>Family Housing Construction, Air Force Total .....</b>				<b>61,352</b>	<b>61,352</b>	<b>61,352</b>	<b>0</b>	<b>61,352</b>
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	31,690	31,690	31,690		31,690
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809	41,809		41,809
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	20,530	20,530	20,530		20,530
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	85,469	85,469	85,469		85,469
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	42,919	42,919	42,919		42,919
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745	1,745		1,745
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	13,026	13,026	13,026		13,026
FH Ops AF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	37,241	37,241	37,241		37,241
<b>Family Housing Operation And Maintenance, Air Force Total .....</b>				<b>274,429</b>	<b>274,429</b>	<b>274,429</b>	<b>0</b>	<b>274,429</b>
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	20	20	20		20
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	500	500	500		500
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Furnishings	399	399	399		399
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	40,984	40,984	40,984		40,984
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Leasing	11,044	11,044	11,044		11,044
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	349	349	349		349
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Maintenance	800	800	800		800
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Management	388	388	388		388
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Services	32	32	32		32
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	4,100	4,100	4,100		4,100
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	174	174	174		174
FH Ops DW	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Utilities	367	367	367		367
<b>Family Housing Operation And Maintenance, Defense-Wide Total .....</b>				<b>59,157</b>	<b>59,157</b>	<b>59,157</b>	<b>0</b>	<b>59,157</b>
FHIF	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Program Expenses	3,258	3,258	3,258		3,258
<b>DoD Family Housing Improvement Fund Total .....</b>				<b>3,258</b>	<b>3,258</b>	<b>3,258</b>	<b>0</b>	<b>3,258</b>
BRAC	WORLDWIDE UN-SPECIFIED	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	24,499	14,499	10,000	24,499
<b>Base Realignment and Closure—Army Total .....</b>				<b>14,499</b>	<b>24,499</b>	<b>14,499</b>	<b>10,000</b>	<b>24,499</b>
BRAC	WORLDWIDE UN-SPECIFIED	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	125,606	110,606	25,000	135,606
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON–100: Planning, Design and Management	4,604	4,604	4,604		4,604
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON–101: Various Locations	10,461	10,461	10,461		10,461

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Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME	557	557	557		557
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO	100	100	100		100
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA	4,648	4,648	4,648		4,648
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg AP	3,397	3,397	3,397		3,397
<b>Base Realignment and Closure—Navy Total</b>				<b>134,373</b>	<b>149,373</b>	<b>134,373</b>	<b>25,000</b>	<b>159,373</b>
BRAC	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365	56,365		56,365
<b>Base Realignment and Closure—Air Force Total</b>				<b>56,365</b>	<b>56,365</b>	<b>56,365</b>	<b>0</b>	<b>56,365</b>
PYS	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	Planning and Design, Defense Wide	0	0	0	-30,000	-30,000
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Air Force	0	-29,300	-22,300	-51,460	-51,460
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Army	0	-25,000	-30,000	-29,602	-29,602
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Defense-Wide	0	-60,577	-132,200	-141,600	-141,600
PYS	WORLDWIDE UN-SPECIFIED	Worldwide	Navy	0	-87,699	0		0
PYS	WORLDWIDE UN-SPECIFIED LOCATIONS	Worldwide	HAP	0	-25,000	0	-25,000	-25,000
PYS	WORLDWIDE UN-SPECIFIED LOCATIONS	Worldwide	NSIP	0	-30,000	-30,000	-30,000	-30,000
<b>Prior Year Savings Total</b>				<b>0</b>	<b>-257,576</b>	<b>-214,500</b>	<b>-307,662</b>	<b>-307,662</b>
<b>Total, Military Construction</b>				<b>7,444,056</b>	<b>7,694,000</b>	<b>7,477,462</b>	<b>265,509</b>	<b>7,709,565</b>

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900	18,900		18,900
<b>Military Construction, Army Total</b>				<b>18,900</b>	<b>18,900</b>	<b>18,900</b>	<b>0</b>	<b>18,900</b>
Navy	ICELAND	Keflavik	ERI: P-8A Aircraft Rinse Rack	5,000	5,000	5,000		5,000
Navy	ICELAND	Keflavik	ERI: P-8A Hangar Upgrade	14,600	14,600	14,600		14,600
Navy	WORLDWIDE UN-SPECIFIED	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800	1,800		1,800
<b>Military Construction, Navy Total</b>				<b>21,400</b>	<b>21,400</b>	<b>21,400</b>	<b>0</b>	<b>21,400</b>
AF	BULGARIA	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800	3,800		3,800
AF	BULGARIA	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000	7,000		7,000
AF	BULGARIA	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600	2,600		2,600
AF	DJIBOUTI	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600	3,600		3,600
AF	DJIBOUTI	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900	6,900		6,900
AF	ESTONIA	Amari AB	ERI: Construct Bulk Fuel Storage	6,500	6,500	6,500		6,500
AF	GERMANY	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House	1,000	1,000	1,000		1,000
AF	GERMANY	Spangdahlem AB	ERI: F/A-22 Low Observable/Comp Repair Fac	12,000	12,000	12,000		12,000
AF	GERMANY	Spangdahlem AB	ERI: F/A-22 Upgrade Infrastructure/Comm/Util	1,600	1,600	1,600		1,600
AF	GERMANY	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700	2,700		2,700
AF	GERMANY	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400	1,400		1,400
AF	LITHUANIA	Siauliai	ERI: Munitions Storage	3,000	3,000	3,000		3,000
AF	POLAND	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100	4,100		4,100
AF	POLAND	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100	4,100		4,100
AF	ROMANIA	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000	3,000		3,000
AF	ROMANIA	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400	3,400		3,400

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
AF	ROMANIA	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100	6,100		6,100
AF	ROMANIA	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000	6,000		6,000
AF	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	8,551	9,000	-449	8,551
AF	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	OCO: Planning and Design	940	940	940		940
<b>Military Construction, Air Force Total</b> .....				<b>88,740</b>	<b>88,291</b>	<b>88,740</b>	<b>-449</b>	<b>88,291</b>
Def-Wide	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000	5,000		5,000
<b>Military Construction, Defense-Wide Total</b> .....				<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>	<b>5,000</b>
<b>Total, Military Construction</b> .....				<b>134,040</b>	<b>133,591</b>	<b>134,040</b>	<b>-449</b>	<b>133,591</b>

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	DJIBOUTI	Camp Lemonier	OCO: Medical/Dental Facility	37,409	0	0	0	37,409
Navy	WORLDWIDE UN- SPECIFIED	Unspecified Worldwide Locations	Planning and Design	1,000	0	0	0	1,000
<b>Military Construction, Navy Total</b> .....				<b>38,409</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38,409</b>
<b>Total, Military Construction</b> .....				<b>38,409</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38,409</b>

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<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	-15,260	0	-15,260	136,616
<b>Atomic Energy Defense Activities</b>					
<b>National nuclear security administration:</b>					
Weapons activities .....	9,243,147	316,000	-7,750	185,882	9,429,029
Defense nuclear nonproliferation .....	1,807,916	11,600	70,000	79,000	1,886,916
Naval reactors .....	1,420,120	0	0	-2,500	1,417,620
Federal salaries and expenses .....	412,817	-40,000	0	-17,300	395,517
<b>Total, National nuclear security administration</b> .....	<b>12,884,000</b>	<b>287,600</b>	<b>62,250</b>	<b>245,082</b>	<b>13,129,082</b>
<b>Environmental and other defense activities:</b>					
Defense environmental cleanup .....	5,382,050	-92,100	-135,100	-108,492	5,273,558
Other defense activities .....	791,552	9,000	0	-2,000	789,552
<b>Total, Environmental &amp; other defense activities</b> .....	<b>6,173,602</b>	<b>-83,100</b>	<b>-135,100</b>	<b>-110,492</b>	<b>6,063,110</b>
<b>Total, Atomic Energy Defense Activities</b> .....	<b>19,057,602</b>	<b>204,500</b>	<b>-72,850</b>	<b>134,590</b>	<b>19,192,192</b>
<b>Total, Discretionary Funding</b> .....	<b>19,209,478</b>	<b>189,240</b>	<b>-72,850</b>	<b>119,330</b>	<b>19,328,808</b>
<b>Nuclear Energy</b>					
Idaho sitewide safeguards and security .....	129,303				129,303
Idaho operations and maintenance .....	7,313				7,313
Consent Based Siting .....	15,260	-15,260		-15,260	0
Denial of funds for defense-only repository .....		[-15,260]		[-15,260]	
<b>Total, Nuclear Energy</b> .....	<b>151,876</b>	<b>-15,260</b>	<b>0</b>	<b>-15,260</b>	<b>136,616</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<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	21,000			220,253
Mitigation of schedule risk .....		[21,000]			
<b>Total, Life extension programs .....</b>	<b>1,340,341</b>	<b>21,000</b>	<b>0</b>	<b>0</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>0</b>	<b>0</b>	<b>0</b>	<b>443,676</b>
<b>Weapons dismantlement and disposition</b>					
Operations and maintenance .....	68,984	-14,000	-12,750	-12,984	56,000
Denial of dismantlement acceleration .....		[-14,000]		[-12,984]	
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	46,000			156,481
Stockpile Responsiveness Program and technology maturation efforts .....		[46,000]			
Management, technology, and production .....	251,978				251,978
<b>Total, Stockpile services .....</b>	<b>899,689</b>	<b>46,000</b>	<b>0</b>	<b>0</b>	<b>899,689</b>
<b>Nuclear material commodities</b>					
Uranium sustainment .....	20,988				20,988
Plutonium sustainment .....	184,970	6,000			184,970
Mitigation of schedule risk for meeting statutory pit production requirements ...		[6,000]			
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>6,000</b>	<b>0</b>	<b>0</b>	<b>577,837</b>
<b>Total, Directed stockpile work .....</b>	<b>3,330,527</b>	<b>59,000</b>	<b>-12,750</b>	<b>-12,984</b>	<b>3,317,543</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	12,000			99,000
Support to Prototype Nuclear Weapons for Intelligence Estimates program .....		[12,000]			
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>12,000</b>	<b>0</b>	<b>0</b>	<b>441,984</b>
<b>Engineering</b>					
Enhanced surety .....	37,196	16,000			37,196
Stockpile Responsiveness Program and technology maturation efforts .....		[16,000]			
Weapon systems engineering assessment technology .....	16,958				16,958
Nuclear survivability .....	43,105	4,000			43,105

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Improve planning and coordination on strategic radiation-hardened micro-systems .....		[4,000]			
Enhanced surveillance .....	42,228				42,228
<b>Total, Engineering</b> .....	<b>139,487</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	<b>139,487</b>
<b>Inertial confinement fusion ignition and high yield</b>					
Ignition .....	75,432	-5,000			75,432
Program decrease .....		[-5,000]			
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	-4,000			340,360
Program decrease .....		[-4,000]			
<b>Total, Inertial confinement fusion and high yield</b> .....	<b>522,959</b>	<b>-9,000</b>	<b>0</b>	<b>0</b>	<b>522,959</b>
Advanced simulation and computing .....	663,184	-7,000		-7,000	656,184
Program decrease .....		[-7,000]		[-7,000]	
Stockpile Responsiveness Program .....	0		5,000	40,000	40,000
Program increase .....			[5,000]	[40,000]	
<b>Advanced manufacturing</b>					
Additive manufacturing .....	12,000				12,000
Component manufacturing development .....	46,583	31,000			46,583
Stockpile Responsiveness Program and technology maturation efforts .....		[31,000]			
Processing technology development .....	28,522				28,522
<b>Total, Advanced manufacturing</b> .....	<b>87,105</b>	<b>31,000</b>	<b>0</b>	<b>0</b>	<b>87,105</b>
<b>Total, RDT&amp;E</b> .....	<b>1,854,719</b>	<b>47,000</b>	<b>5,000</b>	<b>33,000</b>	<b>1,887,719</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>0</b>	<b>0</b>	<b>0</b>	<b>824,000</b>
Safety and environmental operations .....	110,000				110,000
Maintenance and repair of facilities .....	294,000	30,000		30,000	324,000
Address high-priority preventative maintenance .....		[30,000]		[30,000]	
<b>Recapitalization:</b>					
Infrastructure and safety .....	554,643	120,000		75,866	630,509
Address high-priority deferred maintenance .....		[120,000]		[75,866]	
Capability based investment .....	112,639				112,639
<b>Total, Recapitalization</b> .....	<b>667,282</b>	<b>120,000</b>	<b>0</b>	<b>75,866</b>	<b>743,148</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

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Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
07–D–220–04 Transuranic liquid waste facility, LANL .....	17,053				17,053
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN .....	575,000				575,000
04–D–125–04 RLUOB equipment installation .....	159,615				159,615
<b>Total, Construction</b> .....	<b>826,670</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>826,670</b>
<b>Total, Infrastructure and operations</b> .....	<b>2,721,952</b>	<b>150,000</b>	<b>0</b>	<b>105,866</b>	<b>2,827,818</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>0</b>	<b>0</b>	<b>0</b>	<b>282,732</b>
<b>Defense nuclear security</b>					
Operations and maintenance .....	657,133	60,000		36,000	693,133
Support to physical security infrastructure recapitalization and CSTART .....		[60,000]		[36,000]	
<b>Construction:</b>					
14–D–710 Device assembly facility argus installation project, NV .....	13,000				13,000
17–D–710 West end protected area reduction project, Y–12 .....	0			24,000	24,000
<b>Total, Defense nuclear security</b> .....	<b>670,133</b>	<b>60,000</b>	<b>0</b>	<b>60,000</b>	<b>730,133</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>316,000</b>	<b>–7,750</b>	<b>185,882</b>	<b>9,429,029</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	–5,000			337,108
Program decrease .....		[–5,000]			
Material management and minimization .....	341,094	–82,400		–20,000	321,094
Program decrease .....		[–82,400]		[–20,000]	
Nonproliferation and arms control .....	124,703				124,703
Defense Nuclear Nonproliferation R&D .....	393,922	24,000		24,000	417,922
Acceleration of low-yield detection experiments .....		[4,000]		[4,000]	
Nuclear detection technology and new challenges such as 3D printing .....		[20,000]		[20,000]	
Low Enriched Uranium R&D for Naval Reactors .....	0	5,000		5,000	5,000
Low Enriched Uranium R&D for Naval Reactors .....		[5,000]		[5,000]	
<b>Nonproliferation Construction:</b>					
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS .....	270,000	70,000	70,000	70,000	340,000
Increase to support construction .....		[70,000]	[70,000]	[70,000]	
<b>Total, Nonproliferation construction</b> .....	<b>270,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>340,000</b>
<b>Total, Defense Nuclear Nonproliferation Programs</b> .....	<b>1,466,827</b>	<b>11,600</b>	<b>70,000</b>	<b>79,000</b>	<b>1,545,827</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>11,600</b>	<b>70,000</b>	<b>79,000</b>	<b>1,886,916</b>
<b>Naval Reactors</b>					
Naval reactors operations and infrastructure .....	449,682			–2,500	447,182
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

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Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
15-D-902 KS Engineer room 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>0</b>	<b>0</b>	<b>0</b>	<b>148,300</b>
<b>Total, Naval Reactors</b> .....	<b>1,420,120</b>	<b>0</b>	<b>0</b>	<b>-2,500</b>	<b>1,417,620</b>
<b>Federal Salaries And Expenses</b>					
Program direction .....	412,817	-40,000		-17,300	395,517
Program decrease .....		[-40,000]		[-17,300]	
<b>Total, Office Of The Administrator</b> .....	<b>412,817</b>	<b>-40,000</b>	<b>0</b>	<b>-17,300</b>	<b>395,517</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	45,000		45,000	114,755
Acceleration of priority programs .....		[45,000]		[45,000]	
Central plateau remediation .....	620,869	8,000		23,500	644,369
Acceleration of priority programs .....		[8,000]		[23,500]	
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>53,000</b>	<b>0</b>	<b>68,500</b>	<b>785,311</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>0</b>	<b>0</b>	<b>0</b>	<b>362,088</b>
<b>Los Alamos National Laboratory</b>					
EMLA cleanup activities .....	185,606		10,000	10,000	195,606
Program Increase .....			[10,000]	[10,000]	
EMLA community and regulatory support .....	3,394				3,394
<b>Total, Los Alamos National Laboratory</b> .....	<b>189,000</b>	<b>0</b>	<b>10,000</b>	<b>10,000</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>0</b>	<b>0</b>	<b>0</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>0</b>	<b>0</b>	<b>0</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>0</b>	<b>0</b>	<b>0</b>	<b>198,219</b>
<b>Office of River Protection:</b>					
<b>Waste treatment and immobilization plant</b>					

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Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
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>0</b>	<b>0</b>	<b>0</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>0</b>	<b>0</b>	<b>0</b>	<b>721,456</b>
<b>Total, Office of River protection .....</b>	<b>1,487,456</b>	<b>0</b>	<b>0</b>	<b>0</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>0</b>	<b>0</b>	<b>0</b>	<b>177,306</b>
<b>Total, Radioactive liquid tank waste .....</b>	<b>822,638</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>822,638</b>
<b>Total, Savannah River site .....</b>	<b>1,297,453</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,297,453</b>
<b>Waste Isolation Pilot Plant</b>					
Operations and maintenance .....	257,188		10,000	10,000	267,188
Program increase .....			[10,000]	[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>0</b>	<b>0</b>	<b>0</b>	<b>5,065</b>
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>262,253</b>	<b>0</b>	<b>10,000</b>	<b>10,000</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	10,000			30,000
NAS study on technology development, acceleration of priority efforts .....		[10,000]			
Infrastructure recapitalization .....	41,892			-41,892	0
Defense Uranium enrichment D&D .....	155,100	-155,100	-155,100	-155,100	0
Ahead of need .....		[-155,100]	[-155,100]	[-155,100]	
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,382,050</b>	<b>-92,100</b>	<b>-135,100</b>	<b>-108,492</b>	<b>5,273,558</b>
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,382,050</b>	<b>-92,100</b>	<b>-135,100</b>	<b>-108,492</b>	<b>5,273,558</b>
<b>Other Defense Activities</b>					
<b>Environment, health, safety and security</b>					
Environment, health, safety and security .....	130,693			-2,000	128,693
Program direction .....	66,519				66,519
<b>Total, Environment, health, safety and security .....</b>	<b>197,212</b>	<b>0</b>	<b>0</b>	<b>-2,000</b>	<b>195,212</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>0</b>	<b>0</b>	<b>0</b>	<b>76,473</b>
Specialized security activities .....	237,912	9,000			237,912
IT infrastructure and red teaming .....		[9,000]			

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Program	FY 2017 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<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>0</b>	<b>0</b>	<b>0</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>119,716</b>	<b>0</b>	<b>0</b>	<b>0</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>9,000</b>	<b>0</b>	<b>-2,000</b>	<b>789,552</b>
<b>Total, Other Defense Activities .....</b>	<b>791,552</b>	<b>9,000</b>	<b>0</b>	<b>-2,000</b>	<b>789,552</b>

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

Short title (sec. 5001)

The Senate bill contained a provision (sec. 5001) that would provide that the short title for this division may be cited as the “Military Justice Act of 2016”.

The House amendment contained an identical provision (sec. 6000).

The conference agreement includes this provision.

TITLE LI—GENERAL PROVISIONS

Definitions (sec. 5101)

The Senate bill contained a provision (sec. 5101) that would amend section 801 of title 10, United States Code, (Article 1, Uniform Code of Military Justice (UCMJ)) to amend the definition of “judge advocate”; to reflect the change within the Department of the Air Force from the “Judge Advocate General’s Department” to the “Judge Advocate General’s Corps”; and to amend the definition of “military judge” to conform to the proposed changes in Article 30a of the Uniform Code of Military Justice (10 U.S.C. 830a) allowing military judges to address certain matters prior to referral of charges.

The House amendment contained a similar provision (sec. 6101).

The House recedes.

Clarification of persons subject to UCMJ while on inactive-duty training (sec. 5102)

The Senate bill contained a provision (sec. 5102) that would amend section 802 of title 10, United States Code, (Article 2, Uniform Code of Military Justice (UCMJ)) that would clarify jurisdiction for reserve component members during time periods incidental to Inactive-Duty Training (IDT).

The House amendment contained an identical provision (sec. 6002).

The conference agreement includes this provision.

Staff judge advocate disqualification due to prior involvement in case (sec. 5103)

The Senate bill contained a provision (sec. 5103) that would amend section 806 of title 10, United States Code, (Article 6, Uniform Code of Military Justice (UCMJ)) to include appellate judges and counsel, including special victims’ counsel, who have acted in the same case or in any proceeding before a military judge, preliminary hearing officer, or appellate court, in those disqualified to serve as a staff judge advocate or legal officer to any reviewing or convening authority on the same case.

The House amendment contained an identical provision (sec. 6003).

The conference agreement includes this provision.

Conforming amendment relating to military magistrates (sec. 5104)

The Senate bill contained a provision (sec. 5104) that would amend section 806a of title 10, United States Code, (Article 6a, Uniform Code of Military Justice (UCMJ)) to conform Article 6a, UCMJ, with the provision to allow the detailing of military magistrates to proceedings under Article 30a and to add “military magistrates” to the list of officials whose fitness to perform duties shall be subject to investigation and disposition under regulations prescribed by the President.

The House amendment contained an identical provision (sec. 6004).

The conference agreement includes this provision.

Rights of victim (sec. 5105)

The Senate bill contained a provision (sec. 5105) that would amend section 806b(c) of title 10, United States Code (Article 6b(c), Uniform Code of Military Justice (UCMJ)) to authorize military judges to decide on a case-by-case basis whether it is appropriate to appoint an individual to assume the victim’s rights in all cases under the UCMJ in which the victim of an offense is under 18 years of age (unless the victim is a member of the Armed Forces) or is incompetent, incapacitated, or deceased.

The Senate bill also contained a provision (sec. 5105) that would amend section 806b of title 10, United States Code, (Article 6b, UCMJ), to clarify the relationship between the rights of victims and the disposition of offenses, as well as the procedures for judicial appointment of individuals to assume the rights of certain victims. The provision would also modify Article 6b, UCMJ, to incorporate procedures on defense counsel interviews of victims of sex-related offenses into Article 6b, UCMJ, and would extend those procedures to victims of all offenses, consistent with related victims’ rights provisions.

The House amendment contained a provision (sec. 6005) that is identical to the Senate provision (sec. 5105).

The conference agreement includes the identical provisions.

TITLE LII—APPREHENSION AND RESTRAINT

Restraint of persons charged (sec. 5121)

The Senate bill contained a provision (sec. 5121) that would amend section 810 of title 10, United States Code, (Article 10, Uniform Code of Military Justice (UCMJ)) to conform the language of the section to reflect current military justice practice regarding the arrest or confinement of an individual who is charged with an offense under the UCMJ. Additionally, it would amend Article 10 to require forwarding of charges and, when applicable, the preliminary hearing report, whenever a person is ordered into arrest or confinement before trial.

The House amendment contained an identical provision (sec. 6101).

The conference agreement includes this provision.

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

The Senate bill contained a provision (sec. 5122) that would amend section 812 of title 10, United States Code, (Article 12, Uniform Code of Military Justice (UCMJ)) to limit the prohibition on confining military members with foreign nationals to situations where the foreign nationals are not members of the U.S. Armed Forces and are detained under the law of war.

The House amendment contained an identical provision (sec. 6102).

The conference agreement includes this provision.

TITLE LIII—NON-JUDICIAL PUNISHMENT

Modification of confinement as non-judicial punishment (sec. 5141)

The Senate bill contained a provision (sec. 5141) that would amend section 815 of title 10, United States Code, (Article 15, Uniform Code of Military Justice (UCMJ)) to remove punishment in the form of confinement on a diet limited to bread and water from the list of authorized punishments.

The House amendment contained an identical provision (sec. 6201).

The conference agreement includes this provision.

TITLE LIV—COURT-MARTIAL JURISDICTION

Courts-martial classified (sec. 5161)

The Senate bill contained a provision (sec. 5161) that would amend section 816 of title 10, United States Code, (Article 16, Uniform Code of Military Justice (UCMJ)) to establish standard panel sizes in all courts-martial: 8 members in a general court-martial

(subject to the requirements of Article 25a in capital cases), and 4 members in a special court-martial. The provision would require a military judge to be detailed to all special courts-martial and would provide the military justice system with an option for a judge-alone trial by special court-martial, with confinement limited to 6 months or less, as reflected in the proposed changes to Article 19, UCMJ.

The House amendment contained an identical provision (sec. 6301).

The conference agreement includes this provision.

*Jurisdiction of general courts-martial (sec. 5162)*

The Senate bill contained a provision (sec. 5162) that would amend section 818 of title 10, United States Code, (Article 18, Uniform Code of Military Justice (UCMJ)) to conform Article 18 to the proposed changes to Article 16 concerning the types of general courts-martial and the proposed changes to Article 56 concerning sex-related offenses.

The House amendment contained a similar provision (sec. 6302).

The House recedes.

*Jurisdiction of special courts-martial (sec. 5163)*

The Senate bill contained a provision (sec. 5163) that would amend section 819 of title 10, United States Code, (Article 19, Uniform Code of Military Justice (UCMJ)) to conform to the proposal in Article 16, UCMJ, that would authorize special courts-martial to be referred for trial by military judge-alone, and to authorize a military judge to designate a military magistrate to preside over trials, and to conform to current practice requiring a military judge, qualified defense counsel, and a recorder at every special court-martial.

The House amendment contained an identical provision (sec. 6303).

The conference agreement includes this provision.

*Summary court-martial as non-criminal forum (sec. 5164)*

The Senate bill contained a provision (sec. 5164) that would amend section 820 of title 10, United States Code, (Article 20, Uniform Code of Military Justice (UCMJ)) by adding a new subsection defining the summary court-martial as a non-criminal forum and clarifying that a finding of guilty at a summary court-martial does not constitute a criminal conviction.

The House amendment contained an identical provision (sec. 6304).

The conference agreement includes this provision.

**TITLE LV—COMPOSITION OF COURTS-MARTIAL**  
*Technical amendment relating to persons authorized to convene general courts-martial (sec. 5181)*

The Senate bill contained a provision (sec. 5181) that would amend section 822 of title 10, United States Code, (Article 22, Uniform Code of Military Justice (UCMJ)) by removing the words “in chief” to reflect the current terminology for the commander of a naval fleet.

The House amendment contained an identical provision (sec. 6401).

The conference agreement includes this provision.

*Who may serve on courts-martial and related matters (sec. 5182)*

The Senate bill contained a provision (sec. 5182) that would amend section 825 of title 10, United States Code, (Article 25, Uniform Code of Military Justice (UCMJ)) to permit convening authorities to detail enlisted personnel to court-martial panels, subject to the accused’s ability to specifically elect an all-officer panel, under the same rules and procedures with which an accused may elect

one-third enlisted panel membership; to remove the statutory prohibition against detailing enlisted members to courts-martial who are from the same unit as an enlisted accused; and to conform to the proposed amendments to Article 29, UCMJ, concerning impaneling of members.

The House amendment contained a similar provision (sec. 6402).

The House recedes with an amendment that would establish that sentencing in courts-martial in which members convict the accused for any offense would be by military judge alone unless, after the findings are announced and before any matter is presented in the sentencing phase, the accused requests sentencing by members. The amendment retains the requirement for sentencing by members in capital cases for which the court-martial may sentence the accused to death.

The Department of Defense Military Justice Review Group recommended that sentencing should be by military judge alone in all cases except in capital cases for which the court-martial may sentence the accused to death. There may be non-capital cases in which an accused prefers that his or her sentence should be determined by members. The conferees determined that it would be appropriate to allow an accused found guilty by a court-martial with a military judge and members the option to select members for sentencing. The conferees further direct that the Military Justice Review Panel established elsewhere in this Act shall gather and analyze data on the frequency and sentencing outcomes in non-capital cases in which an accused requests sentencing by members and to include this information in the report to the Committees on Armed Services of the Senate and the House of Representatives required under this Act.

*Number of court-martial members in capital cases (sec. 5183)*

The Senate bill contained a provision (sec. 5183) that would amend section 825a of title 10, United States Code, (Article 25a, Uniform Code of Military Justice (UCMJ)) to require a fixed-size panel of twelve members in capital cases.

The House amendment contained an identical provision (sec. 6403).

The conference agreement includes this provision.

*Detailing, qualifications, and other matters relating to military judges (sec. 5184)*

The Senate bill contained a provision (sec. 5184) that would amend section 826 of title 10, United States Code, (Article 26, Uniform Code of Military Justice (UCMJ)) to conform the section to the current practice of detailing a military judge to every general and special court-martial; to provide for cross-service detailing of military judges; to require a chief trial judge in each armed force; and to provide appropriate criteria for service as a military judge. The provision would also authorize the President to establish uniform regulations concerning minimum tour lengths for military judges with provisions for early reassignment as necessary.

The House amendment contained a similar provision (sec. 6404).

The House recedes.

*Military magistrates (sec. 5185)*

The Senate bill contained a provision (sec. 5178) that would amend chapter 47 of title 10, United States Code, to add a new section 826a (Article 26a of the Uniform Code of Military Justice (UCMJ)) to establish the minimum qualifications for military magistrates, and to provide that military magistrates may be assigned under service regulations to perform duties other than those described under Articles 19 and 30a.

The House amendment contained a similar provision.

The House recedes (sec. 6407).

*Qualifications of trial counsel and defense counsel (sec. 5186)*

The Senate bill contained a provision (sec. 5185) that would amend section 827 of title 10, United States Code, (Article 27, Uniform Code of Military Justice (UCMJ)) to provide that an individual who has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge on a case may not later serve as trial counsel on that case. The provision would require that all defense counsel detailed to general or special courts-martial must be qualified under Article 27(b), and all trial counsel and assistant trial counsel detailed to special courts-martial, and all assistant trial counsel detailed to general courts-martial, must be determined to be competent to perform such duties under regulations prescribed by the President. The provision would also require, to the greatest extent practicable, at least one defense counsel detailed for a court-martial in a case in which the death penalty may be adjudged shall be learned in the law applicable to capital cases.

The House amendment contained a similar provision (sec. 6405).

The House recedes.

*Assembly and impaneling of members and related matters (sec. 5187)*

The Senate bill contained a provision (sec. 5186) that would amend section 829 of title 10, United States Code, (Article 29, Uniform Code of Military Justice (UCMJ)) to clarify the function of assembly and impaneling in general and special courts-martial with members, and the limited situations in which members may be absent from the court-martial after assembly; to provide for the impaneling of 12 members in a capital general court-martial, 8 members in a non-capital general court-martial, and 4 members in a special court-martial; to authorize (but not require) the convening authority to direct the use of alternate members; and to authorize non-capital general courts-martial to proceed with a minimum of 6 members if one or more members are excused for good cause after the members have been impaneled. It would further amend Article 29 to clarify that a newly-detailed court-martial member or military judge may consider the record of previously admitted evidence through the use of an electronic or other similar recording.

The House amendment contained a similar provision (sec. 6406).

The House recedes.

**TITLE LVI—PRE-TRIAL PROCEDURE**  
*Charges and specifications (sec. 5201)*

The Senate bill contained a provision (sec. 5201) that would amend section 830 of title 10, United States Code, (Article 30, Uniform Code of Military Justice (UCMJ)) to reorganize the section into three subsections: (a) to provide the mode of preferring charges and specifications and the oath requirement; (b) to provide the required statement of the person who signs the charges; and (c) to prescribe the duty of a proper authority to notify the accused of the charges and to dispose of them in the interest of justice and discipline. The provision would amend Article 30 to clarify the sequence of the notification and disposition requirements and to require that both actions take place as soon as practicable.

The House amendment contained an identical provision (sec. 6501).

The conference agreement includes this provision.

*Certain proceedings conducted before referral (sec. 5202)*

The Senate bill contained a provision (sec. 5202) that would amend chapter 47 of title 10, United States Code, to add a new section 830a (Article 30a of the Uniform Code of Military Justice (UCMJ)) to provide statutory authority for military judges or magistrates to provide timely review, prior to referral of charges, of certain matters currently subject to judicial review only on a delayed basis at trial.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the matters which may be reviewed prior to referral of charges to pre-referral investigative subpoenas, pre-referral warrants or orders for electronic communications, and pre-referral matters referred by an appellate court.

*Preliminary hearing required before referral to general court-martial (sec. 5203)*

The Senate bill contained a provision (sec. 5203) that would amend section 832 of title 10, United States Code, (Article 32, Uniform Code of Military Justice (UCMJ)) to require the preliminary hearing officer to provide an analysis of information that will be useful in fulfilling the statutory responsibilities of the staff judge advocate, in providing legal determinations and a disposition recommendation to the convening authority under Article 34; and to assist the convening authority, in disposing of the charges and specifications in the interest of justice and discipline.

The House amendment contained a similar provision (sec. 6502).

The House recedes with an amendment that would include as a purpose of the preliminary hearing a recommendation as to the disposition that should be made of the case.

*Disposition guidance (sec. 5204)*

The Senate bill contained a provision (sec. 5204) that would amend section 833 of title 10, United States Code, (Article 33, Uniform Code of Military Justice (UCMJ)) to move the requirement for prompt forwarding of charges in cases involving pretrial arrest or confinement from Article 33 to Article 10. The provision would require the Secretary of Defense, in consultation with the Secretary of Homeland Security, to establish non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates may take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline.

The House amendment contained a similar provision (sec. 6503).

The Senate recedes.

*Advice to convening authority before referral for trial (sec. 5205)*

The Senate bill contained a provision (sec. 5205) that would amend section 834 of title 10, United States Code, (Article 34, Uniform Code of Military Justice (UCMJ)) to clarify the relationship between the staff judge advocate's advice under Article 34 and the general standard for disposition of charges and specifications under Article 30. The provision would require the convening authority to consult with a judge advocate before referral of charges to special courts-martial. The provision would clarify that formal corrections to the charges and specifications may be made before referral for trial in special courts-martial as well as in general courts-martial.

The House amendment contained a similar provision (sec. 6504).

The House recedes.

*Service of charges and commencement of trial (sec. 5206)*

The Senate bill contained a provision (sec. 5206) that would amend section 835 of title 10, United States Code, (Article 35, Uniform Code of Military Justice (UCMJ)) to conform procedures for service of charges and waiting period requirements to current practice and other UCMJ articles.

The House amendment contained an identical provision (sec. 6505).

The conference agreement includes this provision.

#### TITLE LVII—TRIAL PROCEDURE

*Duties of assistant defense counsel (sec. 5221)*

The Senate bill contained a provision (sec. 5221) that would amend section 838 of title 10, United States Code, (Article 38, Uniform Code of Military Justice (UCMJ)) to require all defense counsel, including assistant defense counsel, to be qualified under Article 27(b), UCMJ.

The House amendment contained an identical provision (sec. 6601).

The conference agreement includes this provision.

*Sessions (sec. 5222)*

The Senate bill contained a provision (sec. 5222) that would amend section 839 of title 10, United States Code, (Article 39, Uniform Code of Military Justice (UCMJ)) to establish uniform requirements for arraignment by a military judge and to eliminate references to courts-martial without a military judge, and to conform to the provision under Article 53 to authorize judicial sentencing in all non-capital general courts-martial and all special courts-martial.

The House amendment contained a similar provision (sec. 6602).

The Senate recedes with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members.

*Technical amendment relating to continuances (sec. 5223)*

The Senate bill contained a provision (sec. 5223) that would amend section 840 of title 10, United States Code, (Article 40, Uniform Code of Military Justice (UCMJ)) to eliminate references to courts-martial without a military judge, and to clarify that the authority to grant continuances extends to summary courts-martial.

The House amendment contained an identical provision (sec. 6603).

The conference agreement includes this provision.

*Conforming amendments relating to challenges (sec. 5224)*

The Senate bill contained a provision (sec. 5224) that would amend section 841 of title 10, United States Code, (Article 41, Uniform Code of Military Justice (UCMJ)) to conform the section with changes proposed to amend Article 16 concerning fixed panel sizes and to eliminate special courts-martial without a military judge.

The House amendment contained a similar provision (sec. 6604).

The Senate recedes with a technical amendment.

*Statute of limitations (sec. 5225)*

The Senate bill contained a provision (sec. 5225) that would amend section 843 of title 10, United States Code, (Article 43, Uniform Code of Military Justice (UCMJ)) to extend the statute of limitations applicable to child abuse offenses from the current 5 years or the life of the child, whichever is longer, to 10 years or life of the child, whichever is longer. The provision would extend the statute of limitations for Article 83 fraudulent enlistment cases from 5 years to: (1) the

length of the enlistment, in the case of enlisted members; (2) the length of the appointment, in the case of officers; or (3) 5 years, whichever is longer. The provision would extend the statute of limitations when DNA testing implicates an identified person in the commission of an offense by excluding periods prior to the DNA identification in computing the period of limitations.

The House amendment contained a similar provision (sec. 6605).

The House recedes with a technical amendment.

*Former jeopardy (sec. 5226)*

The Senate bill contained a provision (sec. 5226) that would amend section 844 of title 10, United States Code, (Article 44, Uniform Code of Military Justice (UCMJ)) to more closely align double jeopardy protections under the UCMJ with federal civilian practice.

The House amendment contained an identical provision (sec. 6606).

The conference agreement includes this provision.

*Pleas of the accused (sec. 5227)*

The Senate bill contained a provision (sec. 5227) that would amend section 845 of title 10, United States Code, (Article 45, Uniform Code of Military Justice (UCMJ)) to permit an accused to plead guilty in capital cases where a sentence of death is not mandatory. The provision would delete the reference to a court-martial without a military judge. The provision would eliminate the need for separate service regulations authorizing entry of findings upon acceptance of a guilty plea. The provision would add a new subsection to provide for harmless error review in guilty plea cases.

The House amendment contained a similar provision (sec. 6607).

The House recedes.

*Subpoena and other process (sec. 5228)*

The Senate bill contained a provision (sec. 5228) that would amend section 846 of title 10, United States Code, (Article 46, Uniform Code of Military Justice (UCMJ)) to clarify the authority to issue and enforce subpoenas for witnesses and other evidence, to allow subpoenas duces tecum to be issued for investigations of offenses under the UCMJ when authorized by a general court-martial convening authority, and to authorize military judges to issue warrants and orders for the production of stored electronic communications under the Stored Communications Act (sections 2701–2712 of chapter 121, title 18, United States Code).

The House amendment contained no similar provision.

The House recedes with an amendment that would authorize a military judge to issue an investigative subpoena before referral of charges to a court-martial.

*Refusal of person not subject to UCMJ to appear, testify, or produce evidence (sec. 5229)*

The Senate bill contained a provision (sec. 5229) that would amend section 847 of title 10, United States Code, (Article 47, Uniform Code of Military Justice (UCMJ)) to provide that a person not subject to the UCMJ who fails to comply with military subpoenas issued under Article 46, UCMJ, is guilty of an offense against the United States.

The House amendment contained no similar provision.

The House recedes.

*Contempt (sec. 5230)*

The Senate bill contained a provision (sec. 5230) that would amend section 848 of title 10, United States Code, (Article 48, Uniform Code of Military Justice (UCMJ)) to authorize the contempt power for military judges and military magistrates detailed to pre-referral proceedings under the proposed Article

30a. The provision would also clarify that judges on the United States Court of Appeals for the Armed Forces and the service courts of criminal appeals do not have to be detailed to cases or proceedings in order to exercise the contempt power under this article. The provision would clarify that the president (as opposed to the judge) of a court of inquiry is vested with the contempt power, and would provide for appellate review of contempt punishments consistent with the review of other orders and judgments under the UCMJ.

The House amendment contained a similar provision (sec. 6608).

The House recedes with an amendment that would exclude commissioned officers detailed as a summary court-martial from the officials authorized to punish a person for contempt.

#### *Depositions (sec. 5231)*

The Senate bill contained a provision (sec. 5231) that would amend section 849 of title 10, United States Code, (Article 49, Uniform Code of Military Justice (UCMJ)) to conform the UCMJ with the language and function of Federal Rule of Criminal Procedure 15(a)(1), and to move the procedural aspects of Article 49 to Rules for Courts-Martial 702. The provision would clarify that a convening authority or a military judge may order depositions only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board. The provision would clarify parties who may request a deposition, and require that, whenever practicable, depositions be taken before an impartial judge advocate. The provision would provide that: (1) representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under Article 27; and (2) the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in Article 38(b). The provision would clarify situations in which depositions may be used in military proceedings with a more direct reference to the military rules of evidence. The provision would amend the section to provide that testimony by deposition may be presented in capital cases only by the defense.

The House amendment contained an identical provision (sec. 6609).

The conference agreement includes this provision.

#### *Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry (sec. 5232)*

The Senate bill contained a provision (sec. 5232) that would amend section 850 of title 10, United States Code, (Article 50, Uniform Code of Military Justice (UCMJ)) to authorize sworn testimony from a court of inquiry to be played, in addition to read, into evidence in courts-martial and military commissions not established under section 948a, et seq., of title 10, United States Code, when it is otherwise admissible under the rules of evidence.

The House amendment contained a similar provision (sec. 6610).

The House recedes.

#### *Conforming amendment relating to defense of lack of mental responsibility (sec. 5233)*

The Senate bill contained a provision (sec. 5233) that would amend section 850a of title 10, United States Code, (Article 50a, Uniform Code of Military Justice (UCMJ)) to delete provisions pertaining to courts-martial without a military judge.

The House amendment contained an identical provision (sec. 6611).

The conference agreement includes this provision.

#### *Voting and rulings (sec. 5234)*

The Senate bill contained a provision (sec. 5234) that would amend section 851 of title 10, United States Code, (Article 51, Uniform Code of Military Justice (UCMJ)) to delete references pertaining to courts-martial without a military judge.

The House amendment contained an identical provision (sec. 6612).

The conference agreement includes this provision.

#### *Votes required for conviction, sentencing, and other matters (sec. 5235)*

The Senate bill contained a provision (sec. 5235) that would amend section 852 of title 10, United States Code, (Article 52, Uniform Code of Military Justice (UCMJ)) to require concurrence of at least three-fourths of the members present, and to require concurrence of at least three-fourths of the members present on offenses in a case referred for trial as a capital case where there was not a unanimous finding of guilty. The provision would eliminate the language concerning tie votes on challenges, motions, and other questions, which is applicable only to special courts-martial without a military judge, and which would no longer be necessary given the provision in Article 16, UCMJ, that would eliminate these members-only courts-martial.

The House amendment contained an identical provision (sec. 6613).

The conference agreement includes this provision.

#### *Findings and sentencing (sec. 5236)*

The Senate bill contained a provision (sec. 5236) that would amend section 853 of title 10, United States Code, (Article 53, Uniform Code of Military Justice (UCMJ)) to require sentencing by a military judge in all non-capital general and special courts-martial. The provision would require that, in cases where the accused may be sentenced to death, the members shall participate in the sentence determination.

The House amendment contained no similar provision.

The House recedes with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members.

#### *Plea agreements (sec. 5237)*

The Senate bill contained a provision (sec. 5237) that would amend chapter 47 of title 10, United States Code to add a new section 853a (Article 53a, Uniform Code of Military Justice (UCMJ)) that would authorize: (1) construction and negotiation of charge and sentence agreements; (2) military judges to determine whether to accept a proposed plea agreement; and (3) the operation of sentence agreements with respect to the military judge's sentencing authority. The new Article 53a would provide that the military judge shall accept any lawful sentence agreement submitted by the parties, except that: (1) in the case of an offense with a sentencing parameter under Article 56, the military judge may reject the agreement only if it proposes a sentence that is both outside the sentencing parameter and plainly unreasonable; and (2) in the case of an offense without a sentencing parameter, the military judge may reject the agreement only if it proposes a sentence that is plainly unreasonable.

The House amendment contained a similar provision (sec. 6614) that did not include the authority for the military judge to reject a sentencing provision that the military judge determines is plainly unreasonable.

The Senate recedes.

#### *Record of trial (sec. 5238)*

The Senate bill contained a provision (sec. 5238) that would amend section 854 of title 10, United States Code, (Article 54, Uniform Code of Military Justice (UCMJ)) to require certification of the record by a court reporter. The provision would require a complete record in any general or special court-martial if the sentence includes death, dismissal, discharge, or confinement or forfeitures of pay for more than 6 months. The provision would provide all victims who testify at a court-martial with access to records of trial.

The House amendment contained a similar provision (sec. 6615).

The House recedes with a technical amendment.

### TITLE LVIII—SENTENCES

#### *Sentencing (sec. 5301)*

The Senate bill contained a provision (sec. 5261) that would amend section 856 of title 10, United States Code, (Article 56, Uniform Code of Military Justice (UCMJ)) to replace the court-martial practice of "unitary" sentencing with "segmented" sentencing where, if confinement is adjudged for guilty findings, the amount of confinement for each guilty finding would be determined separately. The provision would also authorize segmented sentencing for fines. The provision would authorize sentencing parameters and criteria to provide guidance to military judges in determining an appropriate sentence and would authorize the United States to appeal a sentence to the Court of Criminal Appeals. The provision would incorporate Article 56a, authorizing a sentence of confinement for life without the eligibility of parole any time a life sentence is authorized, into Article 56, UCMJ, without substantive change.

The House amendment contained a similar provision (sec. 6701) that did not include sentencing parameters.

The Senate recedes with an amendment to conform to the provision under Article 25, UCMJ, as amended in a separate provision in this Act, that would provide an accused the option to request sentencing by members. In cases in which the accused has elected sentencing by members the court-martial will announce a single sentence for all the offenses for which an accused was found guilty.

#### *Effective date of sentences (sec. 5302)*

The Senate bill contained a provision (sec. 5262) that would amend section 857 of title 10, United States Code, (Article 57, Uniform Code of Military Justice (UCMJ)) to consolidate portions of Article 57 and 57a that govern deferment of sentences, and portions of Articles 57 and 71 that govern when sentences become effective into Article 57, as modified. The provision would make a conforming change to remove from Article 71 the authority for a convening authority to suspend a sentence under Article 71(d). The provision would strike Articles 57a and 71, because the authorities in those two Articles would be included in Article 57, as modified.

The House amendment contained a similar provision (sec. 6702).

The Senate recedes with a technical amendment.

#### *Sentence of reduction in enlisted grade (sec. 5303)*

The Senate bill contained a provision (sec. 5263) that would amend section 858a of title 10, United States Code, (Article 58a, Uniform Code of Military Justice (UCMJ)) to authorize reduction of enlisted members to the grade of E-1 whenever the approved sentence of a court-martial includes a punitive discharge, confinement, or hard labor without confinement.

The House amendment contained a similar provision (sec. 6703).

The Senate recedes.

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

*Post-trial processing in general and special  
courts-martial (sec. 5321)*

The Senate bill contained a provision (sec. 5281) that would amend section 860 of title 10, United States Code, (Article 60, Uniform Code of Military Justice (UCMJ)) to provide for the distribution of the trial results and to authorize post-trial motions to be filed with the military judge in general and special courts-martial.

The House amendment contained an identical provision (sec. 6801).

The conference agreement includes this provision.

*Limited authority to act on sentence in specified  
post-trial circumstances (sec. 5322)*

The Senate bill contained a provision (sec. 5282) that would amend chapter 47 of title 10, United States Code, to add a new section 860a (Article 60a, Uniform Code of Military Justice (UCMJ)) to consolidate current limitations on the convening authority's post-trial authority in most general and special courts-martial, subject to a narrowly limited suspension authority and a revised authority to adjust an adjudged sentence in cases where an accused provides substantial assistance in the investigation or prosecution of another person.

The provision would retain and clarify existing limitations on the convening authority's post-trial actions in general and special courts-martial in which: (1) the maximum sentence of confinement for any offense is more than 2 years; (2) adjudged confinement exceeds 6 months; (3) the sentence includes dismissal or discharge; or (4) the accused is found guilty of designated sex-related offenses. Under current law, the convening authority in such cases is prohibited from modifying the findings of the court-martial, or reducing, commuting, or suspending a punishment of death, confinement of more than 6 months, or a punitive discharge.

The provision would provide a limited suspension authority in specified circumstances. For the convening authority to exercise this authority, the military judge would be required to make a specific suspension recommendation in the Statement of Trial Results. The suspension authority would be limited to punishments of confinement in excess of 6 months and punitive discharges. The provision would retain, with clarifying amendments, the key features of current law with respect to the convening authority's power to reduce the sentence of an accused who assists in the prosecution or investigation of another person. As amended, the provision would authorize the President to prescribe rules providing for a convening authority to exercise this power after entry of judgment. This provision would allow for the reduction of a sentence of an accused who provides substantial assistance in the prosecution of another person, even well after his own trial is over and appellate review is complete.

The provision would allow the accused and a victim of the offense to submit matters to the convening authority for consideration.

The provision would require the decision of the convening authority to be forwarded to the military judge. If the convening authority modified the sentence of the court-martial, the convening authority would be required to explain the reasons for the modification. An explanation for the convening authority's decision would only be required when the convening authority modifies the

sentence. No approval of the findings or sentence would be required. The decision of the convening authority would be forwarded to the military judge, who would incorporate any change in the sentence into the entry of judgment. In a case where the accused provides substantial assistance and a designated convening authority reduces the sentence of the accused after entry of judgment, the convening authority's action would be forwarded to the chief trial judge, who would be responsible for ensuring appropriate modification of the entry of judgment. Because a modification might happen during or after the completion of appellate review, the modified entry of judgment would be forwarded to the Judge Advocate General for appropriate action.

The House amendment contained a similar provision (sec. 6802).

The Senate recedes with a technical amendment.

*Post-trial actions in summary courts-martial  
and certain general and special courts-martial (sec. 5323)*

The Senate bill contained a provision (sec. 5283) that would amend chapter 47 of title 10, United States Code, to add a new section 860b (Article 60b of the Uniform Code of Military Justice (UCMJ)) that would clarify the convening authority's post-trial authorities and responsibilities with respect to the findings and sentence of summary courts-martial and a limited number of general and special courts-martial which, because of the offenses charged and the sentence adjudged, would not be covered under Article 60a, UCMJ. Consistent with existing law, the convening authority in such cases would be authorized to act on the findings and the sentence, and could order rehearings, subject to certain limitations. The procedural requirements under Article 60b, including consideration of matters submitted by the accused and victim, would be the same as provided in Article 60a. In summary courts-martial, the convening authority would be required to act on the sentence, and would have discretion to act on the findings, as under current law.

The House amendment contained a similar provision (sec. 6803).

The House recedes.

*Entry of judgment (sec. 5324)*

The Senate bill contained a provision (sec. 5284) that would amend chapter 47 of title 10, United States Code, to create a new section 860c (Article 60c of the Uniform Code of Military Justice (UCMJ)) that would require the military judge to enter the judgment of the court-martial into the record in all general and special courts-martial, and would mark the conclusion of trial proceedings. The judgment would reflect the Statement of Trial Results, any action by the convening authority on the findings or sentence, and any post-trial rulings by the military judge. The judgment also would indicate the time when the accused's case becomes eligible for direct appeal to a service court of criminal appeals under Article 66, or for review by the Judge Advocate General under Article 65. This requirement for an entry of judgment is modeled after Federal Rules of Criminal Procedure 32(k). The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under Article 60b, would constitute the judgment of the court-martial.

The House amendment contained a similar provision (sec. 6804).

The House recedes with a technical amendment.

*Waiver of right to appeal and withdrawal of appeal (sec. 5325)*

The Senate bill contained a provision (sec. 5285) that would amend section 861 of title 10,

United States Code, (Article 61, Uniform Code of Military Justice (UCMJ)) to conform the section with proposed amendments to Articles 60, 65, and 69 concerning post-trial processing.

The House amendment contained a similar provision (sec. 6805).

The Senate recedes.

*Appeal by the United States (sec. 5326)*

The Senate bill contained a provision (sec. 5386) that would amend section 862 of title 10, United States Code, (Article 62, Uniform Code of Military Justice (UCMJ)) to authorize the government to appeal a decision when, upon defense motion, the military judge sets aside a panel's finding of guilty because of legally insufficient evidence, except in cases where such an appeal would violate Article 44's prohibitions on double jeopardy. The provision would align the rule of construction with the similar rule applicable to interlocutory appeals in federal civilian courts. The provision would amend Article 62 to conform to the proposed revisions to the review and appeal provisions under Articles 66 and 69.

The House amendment contained a similar provision (sec. 6806).

The Senate recedes with a technical amendment.

*Rehearings (sec. 5327)*

The Senate bill contained a provision (sec. 5287) that would amend section 863 of title 10, United States Code, (Article 63, Uniform Code of Military Justice (UCMJ)) to remove the sentence limitation at a rehearing in cases in which an accused changes a plea from guilty to not guilty, or otherwise fails to comply with the terms of a pretrial agreement, or after a sentence is set aside based on a government appeal.

The House amendment contained a similar provision (sec. 6807).

The Senate recedes.

*Judge advocate review of finding of guilty in  
summary court-martial (sec. 5328)*

The Senate bill contained a provision (sec. 5288) that would amend section 864 of title 10, United States Code, (Article 64, Uniform Code of Military Justice (UCMJ)) to apply only to the initial review of summary courts-martial. Article 65, UCMJ, as amended, would provide for review of general and special courts-martial that do not qualify for direct review by the service courts of criminal appeals.

The House amendment contained a similar provision (sec. 6808).

The House recedes with a technical amendment.

*Transmittal and review of records (sec. 5329)*

The Senate bill contained a provision (sec. 5289) that would amend section 865 of title 10, United States Code, (Article 65, Uniform Code of Military Justice (UCMJ)) to require that the record of trial be forwarded to appellate defense counsel for review whenever the case is eligible for an appeal under Article 66, and to require a review by the Judge Advocate General of all general and special court-martial cases not eligible for direct appeal under Article 66. The provision would require the Judge Advocate General to forward cases to the Court of Criminal Appeals for mandatory review if the judgment includes a sentence of death. The provision would require a review of all general and special courts-martial cases that are eligible for an appeal under Article 66, but where appeal has been waived, withdrawn, or not filed.

The House amendment contained a similar provision (sec. 6809) that did not include requirements regarding cases eligible for direct appeal.

The Senate recedes with an amendment that would provide for an automatic appeal

in all cases in which the adjudged sentence includes death, dismissal, dishonorable discharge, or bad-conduct discharge, or confinement for 2 years or more.

*Courts of Criminal Appeals (sec. 5330)*

The Senate bill contained a provision (sec. 5290) that would amend section 866 of title 10, United States Code, (Article 66, Uniform Code of Military Justice (UCMJ)) to establish an appeal as of right in non-capital cases under the UCMJ, similar to the federal civilian appellate courts, and expand the opportunity for direct review of courts-martial convictions by the service courts of criminal appeals. The provision would provide statutory standards for factual sufficiency review, sentence appropriateness review, and review of excessive post-trial delay. The provision would provide the courts of criminal appeals with express authority to order a hearing, rehearing or remand for further proceedings as may be necessary to address a substantial issue.

The House amendment contained a similar provision (sec. 6810).

The Senate recedes with a clarifying amendment. The provision would establish appeal as of right in non-capital cases in which the sentence adjudged includes a confinement for more than six months and the case is not subject to automatic review. The provision would also provide for automatic review in cases in which the sentence adjudged includes death, dismissal, a dishonorable or bad-conduct discharge, or confinement for two years or more. The provision would also provide for consideration of appeal of a sentence by the United States.

*Review by Court of Appeals for the Armed Forces (sec. 5331)*

The Senate bill contained a provision (sec. 5291) that would amend section 867 of title 10, United States Code, (Article 67, Uniform Code of Military Justice (UCMJ)) to conform the section with proposed creation of an "entry of judgment" in Article 60c, UCMJ, and related amendments to Articles 60 and 66, UCMJ. The provision would require the Judge Advocate General to notify the other Judge Advocates General prior to certifying a case for review by the Court of Appeals for the Armed Forces.

The House amendment contained a similar provision (sec. 6811).

The House recedes with a technical amendment.

*Supreme Court review (sec. 5332)*

The Senate bill contained a provision (sec. 5292) that would make a technical amendment to section 867a of title 10, United States Code, (Article 67a, Uniform Code of Military Justice (UCMJ)).

The House amendment contained an identical provision (sec. 6812).

The conference agreement includes this provision.

*Review by Judge Advocate General (sec. 5333)*

The Senate bill contained a provision (sec. 5293) that would amend section 869 of title 10, United States Code, (Article 69, Uniform Code of Military Justice (UCMJ)) to authorize an accused, after a decision is issued by the Office of the Judge Advocate General under Article 69, UCMJ, to apply for discretionary review by the Court of Criminal Appeals under Article 66, UCMJ. The Judge Advocates General would retain authority to certify cases for review by the appellate courts.

The House amendment contained a similar provision (sec. 6813).

The Senate recedes with a technical amendment.

*Appellate defense counsel in death penalty cases (sec. 5334)*

The Senate bill contained a provision (sec. 5294) that would amend section 870 of title 10,

United States Code, (Article 70, Uniform Code of Military Justice (UCMJ)) to require, to the greatest extent practicable, that in appeals of courts-martial in which the death penalty has been adjudged, at least one appellate defense counsel representing an accused must be learned in the law applicable to capital cases.

The House amendment contained an identical provision (sec. 6814).

The conference agreement includes this provision.

*Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate (sec. 5335)*

The Senate bill contained a provision (sec. 5295) that would amend section 872 of title 10, United States Code, (Article 72, Uniform Code of Military Justice (UCMJ)) to authorize a special court-martial convening authority to detail a judge advocate to conduct a hearing on the vacation of a suspended sentence.

The House amendment contained an identical provision (sec. 6815).

The conference agreement includes this provision.

*Extension of time for petition for new trial (sec. 5336)*

The Senate bill contained a provision (sec. 5296) that would amend section 873 of title 10, United States Code, (Article 73, Uniform Code of Military Justice (UCMJ)) to extend the time to file a petition for a new trial from 2 years to 3 years.

The House amendment contained an identical provision (sec. 6816).

The conference agreement includes this provision.

*Restoration (sec. 5337)*

The Senate bill contained a provision (sec. 5297) that would amend section 875 of title 10, United States Code, (Article 75, Uniform Code of Military Justice (UCMJ)) to require the President to establish rules governing the eligibility for pay and allowances during the period after a court-martial sentence is set aside or disapproved.

The House amendment contained an identical provision (sec. 6817).

The conference agreement includes this provision.

*Leave requirements pending review of certain court-martial convictions (sec. 5338)*

The Senate bill contained a provision (sec. 5298) that would amend section 876a of title 10, United States Code, (Article 76a, Uniform Code of Military Justice (UCMJ)) to conform Article 76a with proposed changes in Article 60 and the proposed new Article 60c, with no substantive changes. Article 76a currently authorizes the services, at their discretion, to place an accused on involuntarily leave if the accused has been sentenced to an unsuspended punitive discharge or dismissal that has been approved by the convening authority.

The House amendment contained an identical provision (sec. 6818).

The conference agreement includes this provision.

TITLE LX—PUNITIVE ARTICLES

*Reorganization of punitive articles (sec. 5401)*

The Senate bill contained a provision (sec. 5301) that would transfer and redesignate certain articles of the Uniform Code of Military Justice within subchapter X of chapter 10 of title 10, United States Code.

The House amendment contained an identical provision (sec. 6901).

The conference agreement includes this provision.

*Conviction of offense charged, lesser included offenses, and attempts (sec. 5402)*

The Senate bill contained a provision (sec. 5302) that would amend section 879 of title 10,

United States Code, (Article 79, Uniform Code of Military Justice (UCMJ)) to authorize the President to designate an authoritative, but non-exhaustive, list of lesser included offenses for each punitive article of the UCMJ in addition to judicially-determined lesser included offenses.

The House amendment contained a similar provision (sec. 6902).

The House recedes.

*Soliciting commission of offenses (sec. 5403)*

The Senate bill contained a provision (sec. 5303) that would amend section 882 of title 10, United States Code, (Article 82, Uniform Code of Military Justice (UCMJ)) to consolidate the general solicitation offense under Article 134, the general article, with specific solicitation offenses under Article 82.

The House amendment contained an identical provision (sec. 6903).

The conference agreement includes this provision.

*Malingering (sec. 5404)*

The Senate bill contained a provision (sec. 5304) that would add a new section 883 to chapter 47 of title 10, United States Code, (Article 83, Uniform Code of Military Justice (UCMJ)) to establish the offense of malingering.

The House amendment contained an identical provision (sec. 6904).

The conference agreement includes this provision.

*Breach of medical quarantine (sec. 5405)*

The Senate bill contained a provision (sec. 5305) that would add a new section 884 to chapter 47 of title 10, United States Code, (Article 84, Uniform Code of Military Justice (UCMJ)) to establish the offense of breaking a medical quarantine.

The House amendment contained an identical provision (sec. 6905).

The conference agreement includes this provision.

*Missing movement; jumping from vessel (sec. 5406)*

The Senate bill contained a provision (sec. 5306) that would amend section 887 of title 10, United States Code, (Article 87, Uniform Code of Military Justice (UCMJ)) to include the offense of jumping from a vessel into the water.

The House amendment contained an identical provision (sec. 6906).

The conference agreement includes this provision.

*Offenses against correctional custody and restriction (sec. 5407)*

The Senate bill contained a provision (sec. 5307) that would add a new section 887b to chapter 47 of title 10, United States Code, (Article 87b, Uniform Code of Military Justice (UCMJ)) to establish the offense of violating various forms of custody and breaking restriction.

The House amendment contained a similar provision (sec. 6907).

The House recedes.

*Disrespect toward superior commissioned officer; assault of superior commissioned officer (sec. 5408)*

The Senate bill contained a provision (sec. 5308) that would amend section 889 of title 10, United States Code, (Article 89, Uniform Code of Military Justice (UCMJ)) to include the offense of assaulting a superior commissioned officer.

The House amendment contained an identical provision (sec. 6908).

The conference agreement includes this provision.

*Willfully disobeying superior commissioned officer (sec. 5409)*

The Senate bill contained a provision (sec. 5309) that would amend section 890 of title 10,

United States Code, (Article 90, Uniform Code of Military Justice (UCMJ)) to remove the offense of assaulting a superior commissioned officer, which will be transferred to Article 89, UCMJ.

The House amendment contained an identical provision (sec. 6909).

The conference agreement includes this provision.

*Prohibited activities with military recruit or trainee by person in position of special trust (sec. 5410)*

The Senate bill contained a provision (sec. 5310) that would add a new section 893a to title 10, United States Code, (Article 93a, Uniform Code of Military Justice (UCMJ)) that would provide specific accountability for sexual misconduct committed by recruiters and trainers during the various phases within the recruiting and basic military training environments. Because of the unique nature of military training and the initial training environments among the services, the statute would authorize the service secretaries to publish regulations designating the types of physical intimacy that would constitute “prohibited sexual activity” under the new article. Article 93a would apply to military recruiters and trainers who knowingly engage in prohibited sexual activity with prospective recruits or junior members of the Armed Forces in initial training environments. Consent would not be a defense to this offense. Article 93a would address specific conduct and would not supersede or preempt service regulations governing professional conduct by staff involved in recruiting, entry level training, or other follow-on training programs. The Secretary concerned may prescribe by regulation any additional initial career qualification training programs related to servicemembers that would be covered under this statute.

The House amendment contained a similar provision (sec. 6910).

The Senate recedes.

*Offenses by sentinel or lookout (sec. 5411)*

The Senate bill contained a provision (sec. 5311) that would amend section 895 of title 10, United States Code, (Article 95, Uniform Code of Military Justice (UCMJ)) to include the offense of loitering by sentinels or lookouts.

The House amendment contained a similar provision (sec. 6911).

The House recedes.

*Disrespect toward sentinel or lookout (sec. 5412)*

The Senate bill contained a provision (sec. 5312) that would add a new section 895a to chapter 47 of title 10, United States Code, (Article 95a, Uniform Code of Military Justice (UCMJ)) to establish the offense of disrespect toward sentinels or lookouts.

The House amendment contained a similar provision (sec. 6912).

The House recedes.

*Release of prisoner without authority; drinking with prisoner (sec. 5413)*

The Senate bill contained a provision (sec. 5313) that would amend section 896 of title 10, United States Code, (Article 96, Uniform Code of Military Justice (UCMJ)) to include the offense of drinking liquor with a prisoner.

The House amendment contained an identical provision (sec. 6913).

The conference agreement includes this provision.

*Penalty for acting as a spy (sec. 5414)*

The Senate bill contained a provision (sec. 5314) that would amend section 903 of title 10, United States Code, (Article 103, Uniform Code of Military Justice (UCMJ)) to redesignate Article 106, UCMJ, as Article 103, UCMJ, and replace the mandatory death pen-

alty currently prescribed with a discretionary death penalty similar to that authorized under existing Article 106a, UCMJ, (Espionage) and for all other capital offenses under the Uniform Code of Military Justice.

The House amendment contained a similar provision (sec. 6914).

The House recedes.

*Public records offenses (sec. 5415)*

The Senate bill contained a provision (sec. 5315) that would add a new section 904 to chapter 47 of title 10, United States Code, (Article 104, Uniform Code of Military Justice (UCMJ)) to establish the offense of altering, concealing, removing, mutilating, obliterating, or destroying a public record.

The House amendment contained a similar provision (sec. 6915).

The House recedes.

*False or unauthorized pass offenses (sec. 5416)*

The Senate bill contained a provision (sec. 5316) that would add a new section 905a to chapter 47 of title 10, United States Code, (Article 105a, Uniform Code of Military Justice (UCMJ)) to establish false or unauthorized pass offenses.

The House amendment contained a similar provision (sec. 6916).

The House recedes.

*Impersonation offenses (sec. 5417)*

The Senate bill contained a provision (sec. 5317) that would add a new section 906 to chapter 47 of title 10, United States Code, (Article 106, Uniform Code of Military Justice (UCMJ)) to establish the offense of impersonating a commissioned, warrant, non-commissioned or petty officer, or an agent or official, and conform the article to the definition of “officer” in section 101

(1) of title 10, United States Code.

The House amendment contained a similar provision (sec. 6917).

The House recedes.

*Insignia offenses (sec. 5418)*

The Senate bill contained a provision (sec. 5318) that would add a new section 906a to chapter 47 of title 10, United States Code, (Article 106a, Uniform Code of Military Justice (UCMJ)) to establish the offense of wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.

The House amendment contained a similar provision (sec. 6918).

The House recedes.

*False official statements; false swearing (sec. 5419)*

The Senate bill contained a provision (sec. 5319) that would amend section 907 of title 10, United States Code, (Article 107, Uniform Code of Military Justice (UCMJ)) to include the offense of false swearing.

The House amendment contained an identical provision (sec. 6919).

The conference agreement includes this provision.

*Parole violation (sec. 5420)*

The Senate bill contained a provision (sec. 5320) that would add a new section 907a to chapter 47 of title 10, United States Code, (Article 107a, Uniform Code of Military Justice (UCMJ)) to establish the offense of violating parole.

The House amendment contained a similar provision (sec. 6920).

The House recedes.

*Wrongful taking, opening, etc. of mail matter (sec. 5421)*

The Senate bill contained a provision (sec. 5321) that would add a new section 909a to chapter 47 of title 10, United States Code, (Article 109a, Uniform Code of Military Justice (UCMJ)) to establish the offense of wrongfully taking, opening, secreting, destroying, or stealing mail.

The House amendment contained an identical provision (sec. 6921).

The conference agreement includes this provision.

*Improper hazarding of vessel or aircraft (sec. 5422)*

The Senate bill contained a provision (sec. 5322) that would amend section 910, title 10, United States Code, (Article 110, Uniform Code of Military Justice (UCMJ)) to include the offense of improper hazarding of an aircraft.

The House amendment contained an identical provision (sec. 6922).

The conference agreement includes this provision.

*Leaving scene of vehicle accident (sec. 5423)*

The Senate bill contained a provision (sec. 5323) that would add a new section 911 to chapter 47 of title 10, United States Code, (Article 111, Uniform Code of Military Justice (UCMJ)) to establish the offense of fleeing the scene of an accident.

The House amendment contained a similar provision (sec. 6923).

The House recedes.

*Drunkenness and other incapacitation offenses (sec. 5424)*

The Senate bill contained a provision (sec. 5324) that would amend section 912 of title 10, United States Code, (Article 112, Uniform Code of Military Justice (UCMJ)) to include the offense of incapacitation for duty from drunkenness or drug use and drunk prisoner.

The House amendment contained an identical provision (sec. 6924).

The conference agreement includes this provision.

*Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel (sec. 5425)*

The Senate bill contained a provision (sec. 5325) that would amend section 913 of title 10, United States Code, (Article 113, Uniform Code of Military Justice (UCMJ)) to lower the blood alcohol standard for conviction of drunken or reckless operation of a vehicle, aircraft, or vessel from 0.10 grams to 0.08 grams of alcohol per 100 milliliters of blood, and to allow service secretaries to prescribe lower levels of blood alcohol to convict if such lower limits are based on scientific developments, as reflected in federal law of general applicability.

The House amendment contained a similar provision (sec. 6925).

The House recedes.

*Endangerment offenses (sec. 5426)*

The Senate bill contained a provision (sec. 5326) that would amend section 914 of title 10, United States Code, (Article 114, Uniform Code of Military Justice (UCMJ)) to include the offense of reckless endangerment, discharge of firearm/endangering human life, and carrying of a concealed weapon.

The House amendment contained an identical provision (sec. 6926).

The conference agreement includes this provision.

*Communicating threats (sec. 5427)*

The Senate bill contained a provision (sec. 5327) that would amend section 915 of title 10, United States Code, (Article 115, Uniform Code of Military Justice (UCMJ)) to include the offense of communicating a threat.

The House amendment contained an identical provision (sec. 6927).

The conference agreement includes this provision.

*Technical amendment relating to murder (sec. 5428)*

The Senate bill contained a provision (sec. 5328) that would amend section 918 of title 10, United States Code, (Article 118, Uniform

Code of Military Justice (UCMJ)) to strike the words “forcible sodomy” which has the effect of clarifying that forcible sodomy is included within the sexual offenses punishable under Article 120, UCMJ.

The House amendment contained an identical provision (sec. 6928).

The conference agreement includes this provision.

*Child endangerment (sec. 5429)*

The Senate bill contained a provision (sec. 5329) that would add a new section 919b to chapter 47 of title 10, United States Code, (Article 119b, Uniform Code of Military Justice (UCMJ)) to establish the offense of child endangerment.

The House amendment contained an identical provision (sec. 6929).

The conference agreement includes this provision.

*Rape and sexual assault offenses (sec. 5430)*

The Senate bill contained a provision (sec. 5330) that would amend section 920 of title 10, United States Code, (Article 120, Uniform Code of Military Justice (UCMJ)) to amend the definition of “sexual act” in both Article 120 (rape and sexual assault generally) and Article 120b (rape and sexual assault of a child) to conform to the definition of that term in federal criminal law in the civilian sector, under section 2246(2)(A)–(C) of title 18, United States Code.

The House amendment contained no similar provision.

The House recedes with an amendment that would remove the element of committing a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act. The conferees note that this conduct is prohibited in section 893a of title 10, United States Code, (Article 93a, UCMJ), added elsewhere in this Act.

*Deposit of obscene matter in the mail (sec. 5431)*

The Senate bill contained a provision (sec. 5331) that would add a new section 920a to chapter 47 of title 10, United States Code, (Article 120a, Uniform Code of Military Justice (UCMJ)) to establish the offense of depositing, or causing to be deposited, obscene materials in the mails.

The House amendment contained an identical provision (sec. 6930).

The conference agreement includes this provision.

*Fraudulent use of credit cards, debit cards, and other access devices (sec. 5432)*

The Senate bill contained a provision (sec. 5332) that would add a new section 921a to chapter 47 of title 10, United States Code, (Article 121a, Uniform Code of Military Justice (UCMJ)) to establish the offense of misuse of credit cards, debit cards, and other electronic payment technology, also known as “access devices.”

The House amendment contained a similar provision (sec. 6931).

The House recedes.

*False pretenses to obtain services (sec. 5433)*

The Senate bill contained a provision (sec. 5333) that would add a new section 921b to chapter 47 of title 10, United States Code, (Article 121b, Uniform Code of Military Justice (UCMJ)) to establish the offense of obtaining services under false pretenses.

The House amendment contained a similar provision (sec. 6932).

The House recedes.

*Robbery (sec. 5434)*

The Senate bill contained a provision (sec. 5334) that would amend section 922 of title 10, United States Code, (Article 122, Uniform Code of Military Justice (UCMJ)) by removing the words “with the intent to steal” from the section, eliminating the require-

ment to prove that the accused intended to permanently deprive the victim of his property.

The House amendment contained an identical provision (sec. 6933).

The conference agreement includes this provision.

*Receiving stolen property (sec. 5435)*

The Senate bill contained a provision (sec. 5335) that would add a new section 922a to chapter 47 of title 10, United States Code, (Article 122a, Uniform Code of Military Justice (UCMJ)) to establish the offense of knowingly receiving, buying, or concealing stolen property.

The House amendment contained a similar provision (sec. 6934).

The House recedes.

*Offenses concerning Government computers (sec. 5436)*

The Senate bill contained a provision (sec. 5336) that would add a new section 923 to chapter 47 of title 10, United States Code, (Article 123, Uniform Code of Military Justice (UCMJ)) to prohibit certain actions directed at U.S. Government computers and U.S. Government protected information.

The House amendment contained a similar provision (sec. 6935).

The House recedes with a technical amendment.

*Bribery (sec. 5437)*

The Senate bill contained a provision (sec. 5337) that would add a new section 924a to chapter 47 of title 10, United States Code, (Article 124a, Uniform Code of Military Justice (UCMJ)) to establish the offense of bribery.

The House amendment contained a similar provision (sec. 6936).

The House recedes.

*Graft (sec. 5438)*

The Senate bill contained a provision (sec. 5338) that would add a new section 924b to chapter 47 of title 10, United States Code, (Article 124b, Uniform Code of Military Justice (UCMJ)) to establish the offense of graft.

The House amendment contained a similar provision (sec. 6937).

The House recedes.

*Kidnapping (sec. 5439)*

The Senate bill contained a provision (sec. 5339) that would add a new section 925 to chapter 47 of title 10, United States Code, (Article 125, Uniform Code of Military Justice (UCMJ)) to establish the offense of kidnapping.

The House amendment contained an identical provision (sec. 6938).

The conference agreement includes this provision.

*Arson; burning property with intent to defraud (sec. 5440)*

The Senate bill contained a provision (sec. 5340) that would amend section 926 of title 10, United States Code, (Article 126, Uniform Code of Military Justice (UCMJ)) to include the offense of burning with intent to defraud.

The House amendment contained an identical provision (sec. 6939).

The conference agreement includes this provision.

*Assault (sec. 5441)*

The Senate bill contained a provision (sec. 5341) that would amend section 928 of title 10, United States Code, (Article 128, Uniform Code of Military Justice (UCMJ)) to prescribe a standard that focuses on the malicious intent of the accused rather than the “likelihood” of the activity actually resulting in harm. The provision would also amend this section to include the offense of assault with intent to commit murder, voluntary

manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking.

The House amendment contained an identical provision (sec. 6940).

The conference agreement includes this provision.

*Burglary and unlawful entry (sec. 5442)*

The Senate bill contained a provision (sec. 5342) that would amend section 929 of title 10, United States Code, (Article 129, Uniform Code of Military Justice (UCMJ)) that would remove the “private dwelling” and “night-time” elements of the offense, and to establish the offense of unlawful entry.

The House amendment contained a similar provision (sec. 6941).

The House recedes.

*Stalking (sec. 5443)*

The Senate bill contained a provision (sec. 5343) that would amend section 930 of title 10, United States Code, (Article 130, Uniform Code of Military Justice (UCMJ)) to establish the offenses of cyberstalking and threats to intimate partners. The provision would continue to address stalking activity involving a broad range of misconduct including, but not limited to, sex-related offenses. The redesignated stalking offense would not preempt service regulations that specify additional types of misconduct that may be punishable at court-martial, including under Article 92 (failure to obey order or regulation), nor would it preempt other forms of misconduct from being prosecuted under other appropriate Articles, such as under Article 134, the general article. These uniquely military offenses are available to address similar misconduct that causes, for example, substantial emotional distress or targets professional reputation.

The House amendment contained a similar provision (sec. 6942).

The House recedes with a technical amendment.

*Subornation of perjury (sec. 5444)*

The Senate bill contained a provision (sec. 5344) that would add a new section 931a to chapter 47 of title 10, United States Code, (Article 131a, Uniform Code of Military Justice (UCMJ)) to establish the offense of subornation of perjury.

The House amendment contained an identical provision (sec. 6943).

The conference agreement includes this provision.

*Obstructing justice (sec. 5445)*

The Senate bill contained a provision (sec. 5345) that would add a new section 931b to chapter 47 of title 10, United States Code, (Article 131b, Uniform Code of Military Justice (UCMJ)) to establish the offense of obstructing justice.

The House amendment contained a similar provision (sec. 6944).

The House recedes.

*Misprision of serious offense (sec. 5446)*

The Senate bill contained a provision (sec. 5346) that would add a new section 931c to chapter 47 of title 10, United States Code, (Article 131c, Uniform Code of Military Justice (UCMJ)) to establish the offense of misprision of serious offense.

The House amendment contained a similar provision (sec. 6945).

The House recedes.

*Wrongful refusal to testify (sec. 5447)*

The Senate bill contained a provision (sec. 5347) that would add a new section 931d to chapter 47 of title 10, United States Code, (Article 131d, Uniform Code of Military Justice (UCMJ)) to establish the offense of wrongful refusal to testify.

The House amendment contained a similar provision (sec. 6946).

The House recedes with a technical amendment.

*Prevention of authorized seizure of property (sec. 5448)*

The Senate bill contained a provision (sec. 5348) that would add a new section 931e to chapter 47 of title 10, United States Code, (Article 131e, Uniform Code of Military Justice (UCMJ)) to establish the offense of prevention of authorized seizure of property.

The House amendment contained a similar provision (sec. 6947).

The House recedes.

Wrongful interference with adverse administrative proceeding (sec. 5449)

The Senate bill contained a provision (sec. 5349) that would add a new section 931g to chapter 47 of title 10, United States Code, (Article 131g, Uniform Code of Military Justice (UCMJ)) to establish the offense of wrongful interference with adverse administrative proceeding. The proceedings covered by this offense would include any administrative proceeding or action initiated against a servicemember that could lead to discharge, loss of special or incentive pay, administrative reduction in grade, loss of a security clearance, bar to reenlistment, or reclassification.

The House amendment contained a similar provision (sec. 6948).

The House recedes.

*Retaliation (sec. 5450)*

The Senate bill contained a provision (sec. 5350) that would add a new section 932 to chapter 47 of title 10, United States Code, (Article 132, Uniform Code of Military Justice (UCMJ)) that would prohibit retaliation against witnesses, victims, or persons who report or plan to report a criminal offense to law enforcement or military authority or a protected communication to appropriate authority. Article 132 would not preempt service regulations that specify additional types of retaliatory conduct that may be punishable at court-martial under Article 92 (failure to obey order or regulation), nor would it preempt other forms of retaliatory conduct from being prosecuted under other appropriate Articles, such as Article 109 (destruction of property), Article 93 (cruelty and maltreatment), Article 128 (Assault), Article 131b (obstructing justice), Article 130 (stalking), or Article 134, the General article.

The House amendment contained a similar provision (sec. 6949).

The House recedes.

*Extraterritorial application of certain offenses (sec. 5451)*

The Senate bill contained a provision (sec. 5351) that would amend section 934 of title 10, United States Code, (Article 134, Uniform Code of Military Justice (UCMJ)) to authorize prosecution under clause 3 of Article 134, UCMJ, of all non-capital federal crimes of general applicability, regardless of where the federal crime is committed. This change would make military practice uniform throughout the world and would align it with the Military Extraterritorial Jurisdiction Act, section 3261 of title 18, United States Code.

The House amendment contained an identical provision (sec. 6950).

The conference agreement includes this provision.

*Table of sections (sec. 5452)*

The Senate bill contained a provision (sec. 5352) that would amend the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code.

The House amendment contained a similar provision (sec. 6951).

The House recedes.

**TITLE LXI—MISCELLANEOUS PROVISIONS**

*Technical amendments relating to courts of inquiry (sec. 5501)*

The Senate bill contained a provision (sec. 5401) that would amend section 935 of title 10,

United States Code, (Article 135, Uniform Code of Military Justice (UCMJ)) to provide individuals employed by the Department of Homeland Security, the department under which the Coast Guard operates, the right to be designated as parties in interest when they have a direct interest in the subject of a court of inquiry convened under Article 135. This change would align the rights of employees of the Department of Homeland Security with the rights of employees of the Department of Defense, ensuring consistent application of this statute for all military services.

The House amendment contained a similar provision (sec. 7001).

The Senate recedes.

*Technical amendment to Article 136 (sec. 5502)*

The Senate bill contained a provision (sec. 5402) that would amend section 936 of title 10, United States Code, (Article 136, Uniform Code of Military Justice (UCMJ)) to remove, from the section heading, the authority to act as a notary which is not provided for in the text of the section.

The House amendment contained a similar provision (sec. 7002).

The Senate recedes.

*Articles of Uniform Code of Military Justice to be explained to officers upon commissioning (sec. 5503)*

The Senate bill contained a provision (sec. 5403) that would amend section 937 of title 10, United States Code, (Article 137, Uniform Code of Military Justice (UCMJ)) to require that officers, in addition to enlisted personnel, receive training on the UCMJ upon entry to service, and periodically thereafter. The amendment would require specific military justice training for military commanders and convening authorities, and would require the Secretary of Defense to prescribe regulations for additional specialized training on the UCMJ for combatant commanders and commanders of combined commands. The provision would also require the Secretary of Defense to maintain an electronic version of the UCMJ and the Manual for Courts-Martial that would be updated periodically and made available on the Internet for review by servicemembers and the public.

The House amendment contained a similar provision (sec. 7003).

The House recedes.

*Military justice case management; data collection and accessibility (sec. 5504)*

The Senate bill contained a provision (sec. 5404) that would add a new section 940a to title 10, United States Code, (Article 140a, Uniform Code of Military Justice (UCMJ)) that would require the Secretary of Defense to prescribe uniform standards and criteria for case processing and management, military justice data collection, production and distribution of records of trial, and access to case information. The purpose of this section is to enhance the management of military justice cases, to standardize the collection of data necessary for evaluation and analysis, and to provide appropriate public access to military justice information at all stages of court-martial proceedings. At a minimum, the system developed for implementation should permit timely and appropriate access to filings, objections, instructions, and judicial rulings at the trial and appellate level, and to actions at trial and in subsequent proceedings concerning the findings and sentences of courts-martial.

The provision would require promulgation of standards by the Secretary of Defense not later than 2 years after enactment of this Act, with an effective date for such standards not later than 4 years after enactment.

The House amendment contained a similar provision (sec. 7004).

The Senate recedes with a technical amendment.

**TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS**

*Military Justice Review Panel (sec. 5521)*

The Senate bill contained a provision (sec. 5421) that would amend section 946 of title 10, United States Code, (Article 146, Uniform Code of Military Justice (UCMJ)) and retitle the section as “Military Justice Review Panel.” The Military Justice Review Panel (Panel) would replace the Code Committee and would be an independent, blue ribbon panel of experts tasked to conduct a periodic review and assessment of the operation of the UCMJ on a regular basis, thereby enhancing the efficiency and effectiveness of the UCMJ and the Code’s implementing regulations.

The House amendment contained a similar provision (sec. 7101).

The House recedes with an amendment that would require the Panel to gather and analyze sentencing data and submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than October 31, 2020, setting forth the Panel’s findings and recommendations on the need for sentencing reform.

*Annual reports (sec. 5522)*

The Senate bill contained a provision (sec. 5422) that would add a new section 946a to title 10, United States Code, (Article 146a, Uniform Code of Military Justice (UCMJ)) that would retain the valuable informational aspects of the annual reports issued individually by the Court of Appeals for the Armed Forces, the Judge Advocates General, and the Staff Judge Advocate to the Commandant of the Marine Corps.

The House amendment contained a similar provision (sec. 7102).

The House recedes with a technical amendment.

**TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES**

*Amendments to UCMJ subchapter tables of sections (sec. 5541)*

The Senate bill contained a provision (sec. 5441) that would make conforming amendments to the tables of sections for specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

The House amendment contained a similar provision (sec. 7201).

The House recedes with a technical amendment.

*Effective dates (sec. 5542)*

The Senate bill contained a provision (sec. 5442) that would require that the amendments made by this title shall take effect not later than the first day of the first calendar month that begins 2 years after the date of enactment of this Act.

The House amendment contained a similar provision (sec. 7202).

The House recedes.

**LEGISLATIVE PROVISIONS NOT ADOPTED**

*Repeal of sentence reduction provision when interim guidance takes effect*

The Senate bill contained a provision (sec. 5264) that would sunset section 856a of title 10, United States Code, (Article 56a, Uniform Code of Military Justice (UCMJ)) after sentencing parameters and criteria were established under Article 56.

The House amendment contained no similar provision.

The Senate recedes.

The conference agreement does not include a provision requiring interim guidance on sentencing parameters and criteria.

*Minimum confinement period required for conviction of certain sex-related offenses committed by members of the Armed Forces*

The House amendment contained a provision (sec. 6701A) that would amend section 856 of title 10, United States Code (Article 56, Uniform Code of Military Justice), to increase the minimum punishment for certain sex-related offenses from a dismissal or dishonorable discharge, to a dismissal or dishonorable discharge and confinement for two years.

The Senate bill contained no similar provision.

The House recesses.

The conferees note that the military justice reforms included in this Act will retain the existing minimum sentences under Article 56.

From the Committee on Armed Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

MAC THORNBERRY,  
J. RANDY FORBES,  
JEFF MILLER of Florida,  
JOE WILSON of South  
Carolina,

FRANK A. LOBIONDO,  
MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS of Alabama,  
TRENT FRANKS of Arizona,  
K. MICHAEL CONAWAY,  
DOUG LAMBORN,  
ROBERT J. WITTMAN,  
CHRISTOPHER P. GIBSON,  
VICKY HARTZLER,  
JOSEPH J. HECK of Nevada,  
ELISE M. STEFANIK,  
ADAM SMITH of  
Washington,

LORETTA SANCHEZ,  
SUSAN A. DAVIS of  
California,  
JAMES R. LANGEVIN,  
RICK LARSEN of  
Washington,

JIM COOPER,  
MADELEINE Z. BORDALLO,  
JOE COURTNEY,  
NIKI TSONGAS,  
JOHN GARAMENDI,  
HENRY C. "HANK"

JOHNSON,  
JACKIE SPEIER,  
SCOTT H. PETERS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

DEVIN NUNES,  
MIKE POMPEO,

From the Committee on Education and the Workforce, for consideration of secs. 571–74

and 578 of the Senate bill, and secs. 571, 573, 1098E, and 3512 of the House amendment, and modifications committee to conference:

TIM WALBERG,  
BRETT GUTHRIE,  
ROBERT C. "BOBBY" SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 3112 and 3123 of the Senate bill, and secs. 346, 601, 749, 1045, 1090, 1095, 1673, 3119A and 3119C of the House amendment, and modifications committee to conference:

ROBERT E. LATTA,  
BILL JOHNSON of Ohio,

From the Committee on Foreign Affairs, for consideration of secs. 828, 1006, 1007, 1050, 1056, 1089, 1204, 1211, 1221–23, 1231, 1232, 1242, 1243, 1247, 1252, 1253, 1255–58, 1260, 1263, 1264, 1271–73, 1276, 1283, 1301, 1302, 1531–33, and 1662 of the Senate bill, and secs 926, 1011, 1013, 1083, 1084, 1098K, 1099B, 1099C, 1201, 1203, 1214, 1221–23, 1227, 1229, 1233, 1235, 1236, 1245, 1246, 1250, 1259A–59E, 1259J, 1259L, 1259P, 1259Q, 1259U, 1261, 1262, 1301–03, 1510, 1531–33, 1645, 1653, and 2804 of the House amendment, and modifications committed to conference:

EDWARD R. ROYCE,  
LEE M. ZELDIN,

From the Committee on Homeland Security, for consideration of secs. 564 and 1091 of the Senate bill, and secs. 1097, 1869, 1869A, and 3510 of the House amendment, and modifications committee to conference:

MICHAEL T. MCCAUL,  
DANIEL M. DONOVAN, JR.  
BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 829J, 829K, 944, 963, 1006, 1023–25, 1053, 1093, 1283, 3303, and 3304 of the Senate bill, and secs. 598, 1090, 1098H, 1216, 1261, and 3608 of the House amendment, and modifications committee to conference:

BOB GOODLATTE,  
DARRELL E. ISSA,

From the Committee on Natural Resources, for consideration of secs. 601, 2825, subtitle D of title XXVIII, and sec. 2852 of the Senate bill, and secs. 312, 601, 1090, 1098H, 2837, 2839, 2839A, subtitle E of title XXVIII, secs. 2852, 2854, 2855, 2864–66, title XXX, secs. 3508, 7005, and title LXXIII of the House amendment, and modifications committee to conference:

PAUL COOK,  
CRESENT HARDY,

From the Committee on Oversight and Government Reform, for consideration of secs. 339, 703, 819, 821, 829H, 829I, 861, 944, 1048, 1054, 1097, 1103–07, 1109–13, 1121, 1124, 1131–33, 1135, and 1136 of the Senate bill, and secs. 574, 603, 807, 821, 1048, 1088, 1095, 1098L, 1101, 1102, 1104–06, 1108–11, 1113, 1259C, and 1631 of the House amendment, and modifications committee to conference:

JASON CHAFFETZ,  
STEVE RUSSELL,

From the Committee on Science, Space, and Technology, for consideration of sec. 874 of the Senate bill and secs. 1605, 1673, and title XXXIII of the House amendment, and modifications committed to conference:

EDDIE BERNICE JOHNSON of  
Texas,

From the Committee on Small Business, for consideration of secs. 818, 838, 874, and 898 of the Senate bill, and title XVIII of the House amendment, and modifications committed to conference:

STEVE CHABOT,  
STEPHEN KNIGHT,

From the Committee on Transportation and Infrastructure, for consideration of secs. 541, 562, 601, 961, 3302–07, 3501, and 3502 of the Senate bill, and secs. 343, 601, 731, 835, 1043, 1671, 3119C, 3501, 3504, 3509, 3512, and title XXXVI of the House amendment, and modifications committed to conference:

DUNCAN HUNTER,  
DAVID ROUZER,  
SEAN PATRICK MALONEY of  
New York,

From the Committee on Veterans' Affairs, for consideration of secs. 706, 755, and 1431 of the Senate bill, and secs. 741, 1421, and 1864 of the House amendment, and modifications committed to conference:

DAVID P. ROE of Tennessee,  
MIKE BOST,

From the Committee on Ways and Means, for consideration of sec. 1271 of the Senate bill, and modifications committed to conference:

KEVIN BRADY of Texas,  
DAVID G. REICHERT,

*Managers on the Part of the House.*

JOHN MCCAIN,  
JAMES M. INHOFE,  
JEFF SESSIONS,  
ROGER F. WICKER,  
KELLY AYOTTE,  
DEB FISCHER,  
TOM COTTON,  
MIKE ROUNDS,  
JONI ERNST,  
THOM TILLIS,  
DAN SULLIVAN,  
LINDSEY GRAHAM,  
TED CRUZ,  
JACK REED,  
BILL NELSON,  
CLAIRE MCCASKILL,  
JOE MANCHIN III,  
JEANNE SHAHEEN,  
RICHARD BLUMENTHAL,  
JOE DONNELLY,  
MAZIE K. HIRONO,  
TIM KAINE,  
ANGUS S. KING, JR.  
MARTIN HEINRICH,

*Managers on the Part of the Senate.*

## NOTICE

*Incomplete record of House proceedings. Today's House proceedings will be continued in Book II.*



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, WEDNESDAY, NOVEMBER 30, 2016

No. 171

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, giver of everlasting life, nothing can separate us from Your limitless love.

Use our lawmakers today for Your glory, inspiring them to cultivate tough minds and tender hearts. Lord, help them to remember that nothing is impossible to those who place their trust in You. May the power of faith create in them both the desire and the ability to do Your will. As our Senators humble themselves in prayer, prepare their hearts and minds to serve Your purposes on Earth.

Lord, give Your consolation to those experiencing sorrow and Your love to us all.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, November 30, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### WORK BEFORE THE SENATE

Mr. McCONNELL. Mr. President, the Senate has a number of issues to wrap up, including the conference reports on the Water Resources Development Act, the Energy Policy Modernization Act, and, of course, the National Defense Authorization Act as well.

The action taken by the Senate yesterday will allow us to have a final vote on the critical Iran Sanctions Extension Act sometime this week. Later today, the House is set to vote on the 21st Century Cures bill, an important medical research and innovation bill which contains a number of bipartisan priorities.

Once their work is complete, the Senate will consider this measure and send it to the President's desk. Talks on the continuing resolution are ongoing. I will have more to say about that in the coming days.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

### TRIBUTE TO BARBARA BOXER

Mr. REID. Mr. President, I have served in Congress now for 34 years. Throughout that time, I have tried to

be pleasant and helpful to my colleagues. I feel very fortunate to have become personally close and friends with Members of Congress from all over this great country. BARBARA BOXER and I were Members of the House class of 1982. Such fond memories do I have of that class—TOM CARPER, DICK DURBIN, and scores of others. We had a huge class.

At first glance, BARBARA BOXER and HARRY REID had very little in common. She was from California. It is a heavily populated and liberal State. I was from Nevada, a much smaller State in area and in population. I was the only Democrat in my State's Congressional delegation. But I was stunned when I was asked to join this huge California Congressional delegation. Being from Nevada and being part of the largest Congressional delegation in America was extremely helpful to me.

The Californians were good to me in so many different ways, just allowing me to be part of their meetings every Wednesday morning. I was flattered when I was asked to be secretary-treasurer of that large delegation. I have so many memories of the work we did together, California and Nevada.

Howard Berman, who was the leader of that freshman class from California, was the head of the steering committee. Don Edwards was the chairman of the delegation at those meetings we had every morning. The Burton brothers and just so many others went out of their way to help me.

I came to know quickly that BARBARA BOXER was no ordinary public servant. She was relentless—I mean relentless—and dedicated and very principled. She was raised by hard-working, first-generation immigrants in Brooklyn, NY. She attended Brooklyn College, graduated with a degree in economics. Over the decades, we have gotten to know each other's families very well. We talk about each other's children. We have exchanged family experiences many, many times.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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My favorite story of BARBARA BOXER's family is the time when she was a girl coming home from elementary school, with her mom, from a window that was up high, yelling down to her little daughter coming home from school—excitedly yelling out the window of the upstairs apartment: Daddy passed the bar. Daddy passed the bar.

BARBARA knew that her dad did not go to bars. But she quickly learned from her excited mother that she was talking about her dad having passed the very, very difficult New York bar examination. I always remember that story.

In 1965, BARBARA moved to Northern California from faraway New York. But in California, they sat down their roots and raised their two children, Doug and Nicole. Stew became a very prominent lawyer and BARBARA, a stockbroker.

It was in California where BARBARA began to make her mark very quickly as a trailblazer. In 1976, after having been in California not very long, in that very big county, part of the metropolitan area of San Francisco, she became a member of the Marin County Board of Supervisors. She was elected to that post. She quickly became the board's first woman president.

Shortly thereafter in 1982, BARBARA ran successfully for Congress. Her campaign slogan tells us all you need to know about her because that year her slogan was: "BARBARA BOXER Gives a Damn." That was on all of her campaign literature, posters, everything. So I guess with a slogan like that, it should not be any surprise that she won handily.

In 1992, she was elected to the Senate. She stood no chance to win. Everybody told her that—all of the editorials, not only of the California papers but all over the country. BARBARA BOXER was in with the big time, and things were going to change for this upstart Member of the House of Representatives. She had tried to move too quickly. She should have stayed in the House, but she won by a really nice margin. This surprised everybody except her.

In 1992, she was elected to the Senate—the year that was popularly referred to as the "Year of the Woman," and rightfully so. She was part of the memorable class that came here in 1982: DIANNE FEINSTEIN, PATTY MURRAY, Carol Moseley Braun, and, of course, the underdog, BARBARA BOXER.

In the Senate, BARBARA and I have worked together on matters of importance to Nevada, California, and our Nation. I have watched BARBARA BOXER lead on so many important issues. I am going to name only a handful of them. She worked to designate more than 1 million acres in California as a wilderness, keeping that land in a pristine condition for our children, our grandchildren, and generations to come. I say "our" because the wilderness in California or in Nevada does not belong to California or Nevada, it belongs to the people of this country. She fought

for the Pinnacles National Monument to become America's 59th national park. It became such.

She helped lead the fight to stop drilling in the Arctic National Wildlife Refuge, and, of course, along the California shoreline. She has spoken about that so many times. It succeeded. We have had no oil spills on the coast of California because of a number of reasons, but there is no one more responsible for that nondegradation than BARBARA BOXER.

She advocated to eliminate government military waste as a Member of the House of Representatives and the Senate. It was her first breakthrough where she exposed the outrageous, exorbitant cost of purchases made by the military. She did that while she was in the House. Why was she taking on the establishment? Well, that is who she is; that is who she was.

She discovered that our military paid defense contractors unbelievable amounts of money: for a hammer—a claw hammer—\$430; for a toilet seat, \$640; for a coffee maker, \$7,622. That is quite a coffee maker. For an aluminum ladder, which must have been one that would get you over the fence that Trump is going to build between Mexico and the United States, it cost \$74,165.

It is legendary what she has done with the military. Ever since she did that, the military was no longer untouchable. BARBARA BOXER proved that. She put an end to all of the wasteful spending. Yes, she did—BARBARA BOXER—not all of it; some things slipped through the cracks, but she sure headed everyone in the right direction.

Maybe of lesser importance, but something we all watched very carefully in the House—it did not happen overnight, but she caused the all-male House gym to admit female Members of Congress. She went up against some big people to do that—the very well-known Dan Rostenkowski, the chairman of the Ways and Means Committee, and others—but she won.

BARBARA and I have worked together to protect Lake Tahoe. We share that. The States of California and Nevada share that alpine glacial lake. There is only one other lake like it in the world, and that is in Siberia, Lake Baikal. We feel good about what we have been able to do to promote the richness of this beautiful national treasure, Lake Tahoe.

She has also promoted clean energy. I can remember her going after a substance that was in gasoline to put in a car that ruined the environment. She came out strongly against that. Again, she prevailed. We no longer do that. She has also done a lot to protect our public lands.

I mentioned just a little bit of what she has done. I can say without any hesitation that BARBARA BOXER has been one of the best and most effective environmental leaders in the history of this country. That says a lot. She has

made California and the entire country a cleaner, healthier, and a better place, especially as chair and ranking member of the Committee on Environment and Public Works. I loved that committee. It was a committee I was placed on when I first came to the Senate. I had the good fortune to be chairman of that committee twice.

She has done so much in her advocacy. For a lot of the things she was not able to declare a legislative victory, but she certainly declared a victory in the minds of the American people because she took on the big guys without any fear.

BARBARA is also a champion of women. She has been a groundbreaker on issues like sexual harassment and women's rights in the workplace, access to women's health, and clinic violence. She took that on. BARBARA BOXER has worked to protect women's access to health care and make sure that Planned Parenthood continues to help millions of women who depend on their services every year.

I lament the fact that BARBARA will not be here because, as you know, the new Republican majority has threatened to do away with Planned Parenthood. I don't know what they expect to do with the 2 million women who go there every year for help, but that is what they have said they are going to do.

I can remember, oh so clearly, because it was such a difficult time, working on the Affordable Care Act in my office just a short distance from here. BARBARA was there the better part of 2 days. We were facing incredibly contentious issues regarding women's health, and this required close attention. But it worked out. We were able to accomplish this in spite of some people who said we couldn't do that.

BARBARA has always been ideological, pure but with a sound mix of pragmatism on ObamaCare and other issues relating to women. I told her personally—and I said it publicly, but I wish to say it again—that I have enjoyed working with her. She has helped and mentored me and led me to understand issues important to the women of America like no one else, and I appreciate it very much.

I can remember writing her a letter in my longhand, my cursive. In that letter I told her a number of things, but this is something I said—a direct quote:

BARBARA, I have three brothers. I've never had a sister. You are the sister I've never had.

That was what I said. To this day, we still refer to each other as brother and sister.

Stew and BARBARA are an exemplary team. They are partners in every sense of the word "partner." Landra and I have been guests in their Southern California home. We have been together many times in Nevada.

For decades, BARBARA and I have worked together politically, campaigning in different parts of the country, different parts of California, and

different parts of Nevada. We have raised money together for the cause of Democrats. We have raised money for each other. It has always been a pleasure to work with her on this and other issues.

BARBARA and I came to Washington together in 1982, 34 years ago. BARBARA and I will be leaving Washington together after 34 memorable years together.

Senator BARBARA BOXER, congratulations on your historic career as a Senator for 40 million Californians and 300 million citizens of the United States.

BARBARA, remember, you are and always will be my sister.

Godspeed, BARBARA.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Senator REID, my leader, I can't tell you how humble I feel to hear you talk about my career and to put it, in many ways, in a historic place.

I am going to have a lot to say about your career, what you have meant to me. Today I won't get into it, but you are a man—you just don't throw words around. I know how humble you are because every time I try to praise you, even in a situation with just a few people around you, you look down like you are doing now. It makes you uncomfortable. I don't want to make you uncomfortable. So here is what I am going to say today. I am going to make you uncomfortable in the near future when I talk about your career and what it has meant to me. But today, hearing you talk about what you just said, weaving our friendship, our work together, and our family friendship has meant a lot to me.

Obviously, I am going to miss you, but I will say this. As we enter into uncharted territories in terms of politics, I know you and I are not going to lose our voices. We will have a platform. We are not leaving because we are tired of the fight. We are not leaving because we have nothing more to say, we are leaving because we think it is time for the next generation. I look forward to working with you in the future—and I mean that sincerely—just fighting for the things we care about, whether it is Lake Tahoe or whether it is clean air, whether it is fighting against the ravages of climate change, whether it is fighting for the right of the American people, from children to seniors, to have affordable health care. We are not going into the wilderness. That I was able to protect more than a million acres—I am so proud you mentioned that.

Today you have humbled me with your words. I will always be your sister. Thank you very much.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DACA

Mr. DURBIN. Mr. President, there are many disagreements in this Chamber and between the House and the Senate, but I think there is one thing we fundamentally agree on. Our system of immigration in this country is broken. There are many different ways to approach it in changing it, improving it, and fixing it, but most of us concede something is wrong. If we have 11 to 12 million people living in the United States who are not documented or not legal, by our definition—and that has been going on for years, sometimes decades—it raises a serious question about whether our immigration system works, whether it is responsive, and whether it serves the best interests of the United States.

Many of the people who are here once came to the United States on visitors' visas that they were supposed to ultimately see come to an end and leave, but they stayed. They got married. They had children in the United States who became citizens. Those who think that families represent the large share of undocumented people don't take a look at the families individually. They should. You may find in one household of a mother, father, and two or three children that only one person is undocumented, and it might be the mother.

The one thing we also came to discover was that there were many people here who were undocumented, technically illegal under our system, and they were in that condition through no fault of their own. Well, who could that be? Children—children who were brought here as toddlers, infants, small kids, and brought in with their families. They had no voice in the decision to come to America, but the family did, and they grew up here. Some of them came at a very early age. They didn't speak the language of their original country. They never visited that country.

From the start, they thought they were Americans. They went to school, went to class, put their hands over their hearts and pledged allegiance to the only flag they ever knew. They

sang the only national anthem they really knew, and they believed they were Americans. At some point in their lives, maybe someone in the household said: Let me tell you a stark truth here: You are not legal by this Nation's standards.

It was because of that group that I introduced a bill 15 years ago called the DREAM Act. The DREAM Act really defined this category of people who are undocumented, were brought here as children, grew up in America, graduated from our schools, and didn't create any criminal record in their lifetime, and they were hoping and praying that they would get a chance to stay in a legal status as citizens. That is what the DREAM Act was all about. It is just for these—they have come to be known as DREAMers—who came here as children and infants, to be given that choice.

It was a few years ago that I wrote a letter to President Obama—signed by Senator Lugar of Indiana, a Republican, who shared my feelings—and asked the President if he could do something to protect these young people from being deported. We had a number of Senators join me in a subsequent letter, and the President acted, creating something called DACA, the Deferred Action for Childhood Arrivals Program.

What it boiled down to was that, if these undocumented young people who came here as young children would step forward, identify themselves to our government, pay about \$500 in a filing fee, and go through a criminal background check, we would give them a 2-year temporary protection from being deported and give them a temporary right to work in this country.

The DACA Program turned out to be a big success as 740,000 young people were eligible, signed up, and were cleared to be approved for this DACA status.

Then came a change in administrations, which will happen in just a few weeks. Questions started being raised. What is going to happen to these young people—the ones who complied with the law as they were told it existed, who did a risky thing in identifying themselves to a government, paid their fee, went through the background check, and now are in the United States? I have met so many of them—thousands of them across this country, the DREAMers, those who are DACA eligible, those who are DACA approved. They are amazing stories.

At the Loyola University Stritch School of Medicine in Chicago, they decided to open a competition in their medical school to allow these DACA-eligibles to apply—not to give them a special number of billets or positions in the school but to say: You can apply with everyone else.

For many of these young people from across the United States who dreamed of being a doctor one day, this was the answer to a prayer, and they were ready for it. They competed and they

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

won. I believe there are about 25, maybe more, who are currently medical students at Loyola in Chicago aspiring to be doctors. Now their life is complicated. They can't borrow money from the government to go to school. They are not eligible for any Federal assistance because they are technically undocumented.

So we created a program through our State where they would be able to borrow the money to go to school on one condition; for every year of schooling that is provided by these loans, they have to pledge 1 year as doctors to serve in underserved areas of our State, whether it is in the inner city or the rural areas.

So here are, at the moment, 25 aspiring DREAMers in the Loyola School of Medicine who will be giving us years of service in underserved communities in our State. Is that good for Illinois? Is it good for America? You bet it is. I am from downstate Illinois. There are many rural towns in our State that would beg for these doctors to come in so they can keep a local hospital open so they can have good medical talent when they need it.

These DREAMers, who are now protected DACA today, are questioning what their future will be with a new President. There were some powerful words spoken during the course of this campaign about immigration, but I am heartened by the fact that President-Elect Trump, after the election, said he wanted to try to bind the wounds of this country. When asked specifically about immigrants, after some of the harsh things he said during the campaign, he said many of these immigrants are terrific people.

Well, let me say to the President-elect, if you are looking for terrific people when it comes to immigrants, take a look at these DACA young people, take a look at these DREAMers. They are amazing.

I believe I have come to the floor 100 times, maybe more, to tell these DREAMer stories because it is one thing, as I have just done, to describe them in general, but it is another thing to get to meet them. Some of these young people have had the courage to step up and say: You can tell my story. I will send you a photo.

The story of one today is of Valentina Garcia Gonzalez. Valentina was 6 years old when her family brought her to the United States from Uruguay in South America. She grew up in the suburbs of Atlanta, GA. A very bright child, she learned English quickly. She said:

After that, I became my parents' right hand. Everything and anything that involved speaking to the outside world meant I was in the front, translating and representing my parents. It was a lot of responsibility for a young undocumented kid.

In addition to this responsibility, Valentina turned out to be quite a good student. In middle school she received the President's Education Award not once but twice—once from President

Bush and then again from President Obama.

In high school, Valentina was an honor graduate and an Advanced Placement Scholar. She was a leader in student government, a member of the Beta Club—a national academic honors program—and Peer Leaders, where she mentored younger students. She somehow also found time to be president of the school's environmental group and managed the varsity basketball team.

Valentina was quite a student, but Georgia State law bans undocumented students from attending that State's top public universities. As a result, she applied and was accepted to Dartmouth College, an Ivy League school in Hanover, NH. She is now a sophomore at Dartmouth, where she is a premed student majoring in neuroepidemiology. You see, Valentina's dream is to become a doctor, to help people, and to give back to her community.

To help pay for her few tuition, she works as a projectionist at a local theater. Keep in mind, as an undocumented student, she is ineligible for any Federal Government assistance. She still finds time to volunteer as a mentor for kids in the local community schools, and in a letter to me she said the following about DACA, President Obama's program:

I am beyond grateful because, by receiving DACA, the U.S. has given me an opportunity to give back to this country that has given me so much. This is my country. I have worked hard to prove myself worthy in the eyes of my American counterparts and knowing that I am in a weird limbo in regards to my legal status doesn't make me sleep any easier. My name is registered with the government, so I might be deported if they decide to end DACA.

Let me say clearly to Valentina and the other DREAMers like her. I am going to do everything in my power as a U.S. Senator to ensure that DACA continues and to protect them from deportation. Many came forward, against the best advice of their parents, who say: You are registering with a government that can deport you. But they had confidence that if they followed the law, as it was described to them, if they were open and honest, America would treat them fairly.

That is all I am asking. For the 740,000 currently protected by DACA, and for the others who are eligible for it, who will go through a background check and pay their fee, we are asking for fairness. These young people came here as kids. They had no voice in the decision to come to America. Now they want us to be their voice in terms of their future in America.

Would America be better if Valentina was deported back to Uruguay, a country where she hasn't lived since she was 6 years old? Will it be stronger if we lose Valentina as a doctor, serving a critical part of America? The answer is clear.

Now is the time for America, this Nation of immigrants, to come together and heal the wounds that divided us during the election. I hope President-

Elect Trump will understand and will continue the DACA Program that provides some fairness, some opportunity for these amazing young people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### THE BUDGET

Mr. ENZI. Mr. President, I want to start off by reminding everybody of an old but very short Hans Christian Andersen story about an emperor who was convinced by two very clever weavers that they could make clothes that would be invisible to anybody who was unfit for a position or stupid or incompetent. As a result, everybody thought they could see the clothes, until one little boy said: The emperor doesn't have any clothes. And then everybody gasped and realized that was the case.

Well, we have kind of been weaving a budget through the years that is kind of like the emperor's clothes. We want everybody to be able to see them and think we are fit and competent and not stupid, but as this year quickly draws to a close, we are once again approaching a Federal spending deadline that will likely be postponed with yet another temporary spending bill. In the last 40 years, Congress has enacted 175 of these continuing resolutions to avoid doing its job. This will be the 176th continuing resolution since the modern budget process was established.

The November election results show the American people are eager for change. With a new President taking the oath of office on January 20, Congress has an opportunity and a responsibility to get back to work. One of our top priorities must be fixing America's broken budget process to provide our Nation with a responsible fiscal blueprint and help guide our spending decisions now and into the future.

Let me tell you about America's coming fiscal crisis. America is on a course for a fiscal disaster. Sadly, that is not going to surprise many people. We all know the statistics: \$20 trillion in debt, on track to grow to \$29 trillion in 10 years, unchecked entitlement spending that assumes 70 percent of the budget, and the imminent return of trillion-dollar deficits.

Everyone knows we are in deep trouble, but what is surprising is that Congress is not considering ways to fix it. The country's finances are in a perilous position and the Federal Government has refused to act. We pretend to see the clothes.

That is because, when it comes to spending money, Congress is kind of like a binge eater. We don't want to start our diet until right after the next dessert, and we never seem to run out of ideas for new desserts. That attitude has led to a mammoth, oversized debt burden that will crush future generations' prosperity.

The first step to spending within our means is to establish healthy habits. We should stock the fridge with fruits

and vegetables, not cake and cookies. Unfortunately, America's broken budget process does the opposite. It makes it easy for Congress to spend and spend without ever checking its fiscal waistline. Congress never has to consider the fiscally healthy options that would put our budget on a better path.

America's looming fiscal crisis actually has its roots in the way America's budget and spending process is laid out. This money funds activities that most people would associate with good government, such as national defense, education, and infrastructure spending. This is the portion of the budget that attracts the most congressional scrutiny. We have limits in place that make it difficult to spend more than what is allotted, and those limits are subject to fierce debate and negotiations every 2 years or so. We also must pass spending bills to fund these government activities every year, forcing a public debate about where taxpayers' dollars should be spent. This portion of the budget is not growing rapidly and is not the cause of our unsustainable fiscal course.

The real culprit is the other 70 percent of the Federal budget. This portion is spent automatically without regular congressional action or review. Let me say that again. The real culprit is the other 70 percent of the Federal budget. This portion is spent automatically without regular Congressional action or review. In just 15 years, it will consume all government revenues as debt, interest payments and entitlements continue to grow rapidly. There are no effective limits to the amount that can be spent on that side of the budget, at least until this spending drives America into bankruptcy.

This is how the budget process makes it easy to spend money. There is regular review and strict limits on the small and shrinking portion of the budget—the 30 percent—but the much larger automatic spending programs are not regularly reviewed and can grow almost without limit. Some automatic spending programs have a dedicated but insufficient source of revenue. For example, Social Security, Medicare, and unemployment benefits are funded in part—in part—by payroll taxes and insurance premiums.

This makes sense. If Congress is not going to regularly review a program, there should at least be a source of funding to ensure the program is sustainable. However, the automatic programs that receive dedicated revenues are grossly underfunded, and many others do not receive any dedicated revenues. That means our government is making promises to pay for these programs even though they do not have any idea where the money will come from.

Let me repeat that. The automatic programs that receive dedicated revenues are grossly underfunded, and many others don't even receive any dedicated revenues. That means our government is making promises to pay

for these programs even though they do not have any idea where the money will come from.

This chart gives us a little bit of an idea. The chart shows the dedicated revenues for some of the largest automatic spending programs. For example, Social Security and Medicare are each funded in part with a dedicated payroll tax. However, payroll taxes are less than benefit payments. We can see the Social Security spending gap over the next 10 years is two and three-tenths trillion, or \$2,321 billion. Medicare's receipts cover only 54 percent of spending, leaving a funding gap of four and four-tenths, or \$4,365 billion.

These annual cashflow deficits grow worse every year of the budget window, and they will continue to deteriorate at a faster rate outside the budget window as millions of baby boomers continue to retire.

Now, I like to phrase this a little differently. On Social Security, the amount of spending versus the amount of revenue—\$12,000 billion in spending but only \$10,000 billion in revenue, which leaves a program deficit of \$2,321 billion. It is not being funded by Social Security now. Instead of revenue as a percentage of spending, I like to say we overspend by 18 percent.

On Medicare, \$9,590 billion—that is a lot of money—in spending, but the revenue is only \$5,225 billion. That is a deficit of \$4,365 billion. So revenue as a percentage of spending is 54 percent, but it is 46 percent overspent.

Some people will say we shouldn't worry about these programs because we collected money from previous generations that will cover the cost of these programs. They say we have "trust funds" to pay for these programs. But you can't trust these government trust funds. There is no way the Federal Government puts away cash to be used later; instead, they took these excesses as they came in, in past years, when we had fewer baby boomers, and that cash was spent in exchange for bonds being put in a drawer. The bonds are with the full faith and trust of the Federal Government, but that is not real money. In order to spend that, money has to be put in the drawer. Yes, there was a surplus in Social Security, but it was spent. Now we will continue to manufacture money to make those payments, but the government has no way to invest money.

As an accountant, I can tell you that the Federal budget operates on a cash basis, and previous Congresses spent that cash as soon as it came in—all the cash. There is no real money socked away to cover these costs. So when it comes time to pay for these programs, the only money the Treasury Department can rely on is these dedicated revenues. As the chart shows, they are not sufficient to cover spending, so the Treasury Department has to take extra money from taxpayers or borrow it in public debt markets.

Overall, the nonpartisan Congressional Budget Office estimates that the

government will spend over \$35 trillion on automatic spending programs over the next 10 years, but this chart shows these programs will only collect \$15.5 trillion, or \$15,538 billion—\$15,538 billion but the spending will be \$35,333 billion. As a percentage of spending, that is 44 percent. Actually, that is overspending of 56 percent. We aren't even taking in half of what we promised. So guess what happens next. The Treasury Department will ask taxpayers and public debt markets for an additional \$20 trillion to pay for these programs.

That is why America is facing trillion-dollar deficits—overspending. "Deficit" is another word for "overspending." It doesn't sound quite as bad as "overspending." But that is why we are facing trillion-dollar overspending amounts in each year. That is why America's debt is \$20 trillion, on the way to \$29 trillion; it is overspending.

Let me talk about rising interest rates. To make matters worse, the historically low interest rates America pays on its debts are poised to rise, according to the latest signals from the Federal Reserve. That is why we have to do something, and we have to do something now. The interest is a mandatory expense—there is no way to avoid it—and it doesn't have any source of revenue other than the general fund. Now, we pay almost 2 percent interest on our \$14 trillion in publicly held debt—\$14,000 billion and we pay 2 percent on it. That is roughly \$220 billion a year, excluding the share paid to Federal revenues which goes back to the Federal budget. But a 2-percent interest rate is not the norm for our government. When interest rates rise, as they are expected to do in the next few years, the \$220 billion could more than triple. That will be \$700 billion, maybe \$800 billion a year spent on only the interest on our Nation's debt. That is more than we spend on national defense. That interest is a mandatory expense with no source of revenue.

So what is the bad news and the good news? That is the bad news, but there is good news too. Both the House Budget Committee, under the leadership of Chairman TOM PRICE, and the Senate Budget Committee have been working on solutions that would improve the way Congress considers budget legislation. Over the last year, the Senate Budget Committee has held a series of public hearings with expert witnesses, consulted with budget practitioners from both sides of the aisle, and sought advice from former chairmen. Members considered all the ideas presented and even entertained proposals to abolish the Budget Committee if it could be replaced with a better government structure. This yearlong effort demonstrated what successful budget reform should look like. I intend to pursue these reforms at every opportunity and enact as many as possible in the coming months.

At a minimum, we need to fix budget procedures in the Senate so that the

congressional budget is easier to pass and harder to ignore and easier to understand. The budget resolution is the only regular tool we have that forces Congress to examine all spending and revenues, including automatic spending, over a 10-year period. Unfortunately, the budget resolution has devolved into a purely political exercise, and that is often ignored. The last passed budget was good for about 3 months before waivers overrode the budget.

Congress cannot continue to lurch from crisis to crisis without meaningful, long-term budget plans. My reforms would fix congressional budgeting by reducing the political impediments to passing budget resolution. Budget proceedings would be more orderly and transparent, with less political "gotcha" amendments that define consideration of a budget resolution here in the Senate. My reforms would also make the budget meaningful by requiring a higher vote threshold for legislation that spends billions of taxpayer dollars without offsetting it—and offsetting it in a real way.

We also need to revise the concepts and rules that determine how we budget and estimate the cost of legislation. These outdated rules haven't been comprehensively reviewed and updated since 1967 and often lead to confusing or inaccurate estimates. A new commission of experts should update our Federal budget concepts for the 21st century.

We should also create new rules that encourage Congress to consider the annual appropriations measures on time under regular order. The current process has been completed on time only four times in the last 40 years. The last time was 1998, and that is when there was a lot of Social Security extra money spent. This is a disgrace. Congress should do its job on time and in an orderly fashion. It should not be negotiating a year's worth of spending in the weeks before the holidays like a college student cramming for midterms or maybe stuffing on spending like everybody is a budget Thanksgiving.

One of my proposals borrows an idea from the Wyoming State Legislature. They set aside a certain number of days every other year to consider only budget legislation. If a member wants to consider a nonbudget bill, which perhaps would be an emergency, they have to convince two-thirds of their colleagues to agree to take it up without any debate; otherwise, they stick to the spending.

I will also encourage enactment of Senator PORTMAN's bill to end government shutdowns and legislation to move the annual spending process to a biennial cycle so that it does not have to complete all 12 spending bills each year. Each agency would have 2 years of planning that they would be able to count on.

We need a fiscal course correction. Addressing America's long-term debt

crisis is a daunting challenge that cannot be left to future generations as it has been in the past. But the annual budget process is not designed to force through the serious reforms needed to put America's budget back on a sustainable trajectory, nor should an annual majority-driven process be empowered to do so. That is why former Senators Kent Conrad and Judd Gregg, the former Democratic and Republican Budget Committee chairs, have advocated for a bipartisan task force, operating outside the annual budget process, to solve the country's long-term fiscal crisis. A BRAC-style commission similar to what has been introduced by Senator COATS should be created to set a sustainable, long-term fiscal target and recommend policy options to achieve that target, and Congress must take up and consider those recommendations.

This institution cannot continue to willfully ignore these serious threats to our country's future prosperity. This is the major issue of our time, and substantive solutions should be considered on the floor of the House and Senate. I know it is fun to invent and spend on new programs, but Congress has to be the adult in the room. They have to recognize whether their emperor has clothes or not. They can't pretend to see.

These bipartisan reforms wouldn't solve all of our budget problems, but they are a promising first step toward unsticking the budget gridlock that has gripped Washington in recent years. More importantly, they would create healthy fiscal habits that would force Congress to recognize and be able to address the daunting fiscal challenges this country faces. This crisis isn't going to go away, and only Members of Congress can fix it. The American people have spoken, and we owe it to them to put this country on a better path. These reforms are a necessary first step, and Congress must enact them as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. CORNYN. Mr. President, while he is still in the Chamber, let me express my gratitude to the chairman of the Budget Committee, Senator ENZI, for his leadership on these very difficult but very important issues.

One of the things I am most concerned about is that there no longer seems to be bipartisan consensus toward how to deal with our spending problems. We look at annual budget deficits and we look at the increase in the debt, and we know we have no current means to pay that back. While the Federal Reserve has basically made money free—in other words, interest rates are so low now, we don't have to pay our debt holders as much money now as we will in the future—we all know this is a ticking time bomb, with only about 30 percent of our Federal spending being discretionary or appropriated funds and roughly 70 percent

being on autopilot. As our interest rates go up more and more, that is going to crowd out more of that 30 percent that we need to spend on our Nation's priorities, like national security.

This is a very serious issue, and I am grateful to the Senator from Wyoming, the chairman of the Budget Committee, for his leadership. I look forward to working with him as we work together to try to come up with meaningful solutions.

#### 21ST CENTURY CURES BILL

Mr. CORNYN. Mr. President, we are winding down the final days of the 114th Congress, and some of the work we have been engaged in is coming to fruition.

I spoke to the chairman of the Environment and Public Works Committee, who told me he thought the WRDA bill—the water resources development bill—was coming together and would likely be voted on in the House tomorrow.

I believe that Senator MCCAIN and Chairman THORNBERRY in the House—the Armed Services Committee—have a national defense authorization bill that on Friday will be voted on in the House and then will be coming over here to the Senate.

We know that we have to, by the December 9 deadline, pass an appropriations bill that will keep the lights on for the Federal Government for an undetermined, at this point, period of time, probably sometime into next spring, when we will have a new President and a new administration.

This afternoon in the House, they are going to be voting on another important piece of legislation that I wanted to talk about briefly. It is called the 21st Century Cures Act. This has been a product of a lot of methodical and very deliberate hard work on both sides of the aisle in both Chambers, and it will make a big difference in the lives of Americans because it will help make our country healthier and stronger.

As its name suggests, it will help develop medical treatments and cures for some of the most tragic health problems facing families today. Recently, I was at the 75th anniversary celebration at the MD Anderson hospital in Houston, TX, and it is the premier cancer facility in the country. Some time ago, the hospital started their own MD Anderson Moon Shots Program and is doing all that it can do to study and research various forms of cancer with the goal to eliminate cancer as a public health threat. Of course, we know that Vice President BIDEN, who was part of that 75th anniversary celebration at MD Anderson in Houston, and this administration have their own Cancer Moonshot Program to help eliminate cancer, and that will also be part of this 21st Century Cures bill. The whole idea of the Moonshot, even to the current generation, reminds us that at one time we thought putting a man on the Moon was impossible, outside the

realm of possibility, but because of a vision and because of a commitment and a desire to push the bounds of our capabilities, they persevered and we found a way. MD Anderson's Moon Shots Program serves as another example of American ingenuity, ambition, and dogged determination to make the lives of our families and the future generations better than our own.

Fortunately, as I said, this Cures bill the House will be voting on today, which we will vote on next week, will provide funding for cancer and Alzheimer's research, among other terrible diseases, so that the best medical community in the world can help make great strides in fighting them.

This legislation will also fund the battle against opioid abuse, prescription drug abuse—something we have discussed a lot here on the floor during the last year because of the devastation that it has brought about in many parts of the country. Of course, we know that when the opioids aren't available, cheap heroin imported into the United States from south of our border is part of that scourge as well.

Overdoses and the abuse of opioid drugs are tearing families apart. This bill will provide additional grant funding to States to combat it and to help people who are already in the grips of this terrible addiction to find a way to freedom.

I am particularly glad that this legislation includes bipartisan mental health reforms that I introduced in this Chamber last year, known as the Mental Health and Safe Communities Act. I want to express my gratitude to Senator ALEXANDER, Senator MURRAY, and others on a bipartisan basis and bicameral basis for working with us to make sure we include mental health reform as a component of the 21st Century Cures legislation.

We all know that mental health problems are something that American families have to deal with. I dare say there is probably not a family in America that doesn't have to deal with this in some way or another—either at work, with people you go to church with, or with people you live next door to. In some way or another, mental health problems are rampant.

A lot of that has to do with well-intended but unintended consequences of deinstitutionalization of our mentally ill back in the 1990s. The idea was that it was not appropriate to institutionalize people with mental illness, and so we ought to deinstitutionalize them. But we contemplated that there would be some sort of safety net after they went back to their communities where they could get treatment and where they would get the care they needed. Unfortunately, what has happened and what my legislation is designed to address is that our jails have become the de facto default mental health treatment facilities in this country.

I recently was at a meeting of a large county sheriffs association in Wash-

ington, DC, and a friend of mine, the current sheriff of Bexar County, TX, Sheriff Pamerleau, said: How would you like to meet the largest mental health provider in America? I said: Well, sure.

She walked across the floor and introduced me to the sheriff of Los Angeles County, who runs the Los Angeles County jails. You get my point. We are warehousing people in jails and other places and not giving them the treatment they need in order to get their basic underlying problem taken care of. Of course, people with untreated mental illness frequently engage in petty crimes—trespassing and other things—which end them up in jail. But if they don't get treated, they are going to stay in that turnstile and keep coming back.

We all know the problem of homelessness in our streets. You walk down the street in Washington, DC, or any city in the country—such as Austin, TX—and you see people who have obvious symptoms of mental illness who are not being treated. What this legislation does is to provide a pathway to treatment, primarily by using pre-existing appropriations to make grants to our States and local communities so they can deal with these using the very best practices in the country. For example, the Federal Government already spends about \$2 billion a year on grants to State and local law enforcement. Doesn't it make sense to prioritize dealing with these mental health problems and particularly with the best practices in places such as San Antonio, TX, where the mental health community and law enforcement and other leaders have come together to try to come up with a program to divert people with mental illness to treatment and to provide additional training to law enforcement, to deescalate some of the conflicts that occur—for example, when the police show up and confront somebody with obvious mental illness. If the police don't get the kind of training they need, then that could end up in a tragedy, either for the person being arrested or for the police officers.

It is really important that we deal with this in a sensible way, and this legislation helps to do that—again, using some of that \$2 billion in grant funding we give to State and local law enforcement but prioritizing and authorizing some of the very best practices occurring in communities around the country so that more people can benefit from these programs.

This also provides families additional tools. For example, if you have a family member who is suffering from severe mental illness—let's say they are an adult—there is not a whole lot you can do about it if they refuse to seek treatment or comply with their doctor's orders. There is a means—a very difficult means—for temporary institutionalization. For example, you have to get a doctor's order and then go to court and get somebody put in a State

hospital or an institution, but they are not there forever. They may be there for 30 days or so, until their symptoms abate because they are complying with their doctor's orders and taking their medication.

The great news in mental health treatment is there are a lot of miraculous treatments, and if the person afflicted with mental illness will comply with their doctor's orders and take their medication, they can lead relatively normal and productive lives. But the great problem is that so often people refuse to take their medication. They start feeling better. They quit, and they become sicker and sicker, until they become a danger both to themselves and the community.

One of the things this legislation does is to provide an additional procedure, called assisted outpatient treatment, which gives local courts and civil courts the authority to consider a petition whereby a family member can come in and say: My son, my daughter, my husband, my relative is having serious problems with their mental illness and they are noncompliant with their treatments. Judge, will you please enter an order, which essentially is like probation, saying that periodically you have to come back and report to the court on your compliance with the order, but part of that is to follow your doctor's orders and to take your medication. I am not saying it is a panacea, but it provides family members another tool when their loved ones become mentally ill and when there are no good options for the family members to assure that they will get the treatment or remain compliant with their doctor's orders by taking their medication.

I applaud the House for taking up these critical reforms. I know Congressman TIM MURPHY has worked on this long and hard in the House. There are a lot of other people who have worked on this mental health reform. In this Chamber, Senator BILL CASSIDY has been a champion and CHRIS MURPHY, among others. Really, the persons who have gotten us this far—there are two of them—are Senator ALEXANDER and Senator MURRAY, the chairman and the ranking member of the HELP Committee. But it has taken a bipartisan, bicameral effort to try to get us to this point, and I am glad that we will be voting on this next week, after the House passes it today.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST— S. 2952

Mr. WYDEN. Mr. President, absent Senate action, at midnight tonight, this Senate will make one of the biggest mistakes in surveillance policy in years and years. Without a single congressional hearing, without a shred of meaningful public input, without any opportunity for Senators to ask their

questions in a public forum, one judge with one warrant would be able to authorize the hacking of thousands—possibly millions—of devices, cell phones, and tablets. This would come about through the adoption of an obscure rule of criminal procedure called rule 41. Rule 41 isn't something folks are talking about in coffee shops in Alaska, in Oregon, and in other parts of the country, but I am convinced Americans are sure going to come to Members of Congress if one of their hospitals—one of their crucial medical programs—is hacked by the government. It is a fact that one of the highest profile victims of cyber attacks are medical facilities, our hospitals.

The Justice Department has said this is no big deal. You basically ought to trust us. We are just going to take care of this. I will tell you, generally, changes to the Federal rules of procedure are designed for modest, almost housekeeping kinds of procedural changes, not major shifts in policies. When you are talking about these kinds of rules, they talk about who might receive a copy of a document in a bankruptcy proceeding. That is what the Rules Enabling Act was for. It wasn't for something that was sweeping, that was unprecedented, that could have calamitous ramifications for Americans the way government hacking would. As I have indicated, this would go forward without a chance for any Member of the Senate to formally weigh in.

The government says it can go forward with this rule 41 and conduct these massive hacks—large-scale hacks—without causing any collateral damage whatsoever and ensuring that Americans' rights are protected. Oddly enough—again, breaking with the way these matters are usually handled—the government will not tell the Congress or the American people how it would protect those rights or how it would prevent collateral damage or even how it would carry out these hacks. In effect, the policy is “trust us.”

I think that right at the heart of our obligations is to do vigorous oversight. I always thought Ronald Reagan had a valid point when he said: You can trust but you ought to verify. That is especially important under this policy, where innocent Americans could be victimized twice—once by their hackers and a second time by their government.

We are going to have the opportunity to do something about it before this goes into effect in just over 12 hours. I want to emphasize that those of us who would like the chance for Members of Congress to weigh in and be heard—our concern has been bipartisan. Senator COONS. Senator DAINES. We have worked in a bipartisan fashion on this for months.

This morning we are going to offer three unanimous consent requests to block or delay this particular change in order to make sure our colleagues have an opportunity to do what I think

is Senate 101: to have a hearing and have a review that is bipartisan, where Senators get to ask questions, to be able to get public input in a meaningful kind of fashion.

I urge every Senator to think, and think carefully, before they prevent this body from performing the vigorous oversight Americans demand of Congress. That is right at the heart of what Senator COONS, Senator DAINES, and I will be talking about. This rule change will give the government unprecedented authority to hack into Americans' personal phones, computers, and other devices. Frankly, I was concerned about this before the election, but we now know that the administration—it is a new administration—will be led by the individual who said he wanted the power to hack his political opponents the same way Russia does. These mass hacks could affect cell phones, desktop computers, traffic lights, not to mention a whole host of different areas. During these hacks and searches, there is a considerable chance that the hacked devices will be damaged or broken, and that would obviously be a significant matter. Don't take my word for it.

Mr. President, I ask unanimous consent to have an article that I wrote with renowned security experts Matt Blaze and Susan Landau printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Wired.com, Sept. 14, 2016]

THE FEDS WILL SOON BE ABLE TO LEGALLY HACK ALMOST ANYONE

(By Senator Ron Wyden, Matt Blaze and Susan Landau)

Digital devices and software programs are complicated. Behind the pointing and clicking on screen are thousands of processes and routines that make everything work. So when malicious software—malware—invades a system, even seemingly small changes to the system can have unpredictable impacts.

That's why it's so concerning that the Justice Department is planning a vast expansion of government hacking. Under a new set of rules, the FBI would have the authority to secretly use malware to hack into thousands or hundreds of thousands of computers that belong to innocent third parties and even crime victims. The unintended consequences could be staggering.

The new plan to drastically expand the government's hacking and surveillance authorities is known formally as amendments to Rule 41 of the Federal Rules of Criminal Procedure, and the proposal would allow the government to hack a million computers or more with a single warrant. If Congress doesn't pass legislation blocking this proposal, the new rules go into effect on December 1. With just six work weeks remaining on the Senate schedule and a long Congressional to-do list, time is running out.

The government says it needs this power to investigate a network of devices infected with malware and controlled by a criminal—what's known as a “botnet.” But the Justice Department has given the public far too little information about its hacking tools and how it plans to use them. And the amendments to Rule 41 are woefully short on protections for the security of hospitals, life-saving computer systems, or the phones and electronic devices of innocent Americans.

Without rigorous and periodic evaluation of hacking software by independent experts, it would be nothing short of reckless to allow this massive expansion of government hacking.

If malware crashes your personal computer or phone, it can mean a loss of photos, documents and records—a major inconvenience. But if a hospital's computer system or other critical infrastructure crashes, it puts lives at risk. Surgical directives are lost. Medical histories are inaccessible. Patients can wait hours for care. If critical information isn't available to doctors, people could die. Without new safeguards on the government's hacking authority, the FBI could very well be responsible for this kind of tragedy in the future.

No one believes the government is setting out to damage victims' computers. But history shows just how hard it is to get hacking tools right. Indeed, recent experience shows that tools developed by law enforcement have actually been co-opted and used by criminals and miscreants. For example, the FBI digital wiretapping tool Carnivore, later renamed DCS 3000, had weaknesses (which were eventually publicly identified) that made it vulnerable to spoofing by unauthorized parties, allowing criminals to hijack legitimate government searches. Cisco's Law Enforcement access standards, the guidelines for allowing government wiretaps through Cisco's routers, had similar weaknesses that security researchers discovered.

The government will likely argue that its tools for going after large botnets have yet to cause the kind of unintended damage we describe. But it is impossible to verify that claim without more transparency from the agencies about their operations. Even if the claim is true, today's botnets are simple, and their commands can easily be found online. So even if the FBI's investigative techniques are effective today, in the future that might not be the case. Damage to devices or files can happen when a software program searches and finds pieces of the botnet hidden on a victim's computer. Indeed, damage happens even when changes are straightforward: recently an anti-virus scan shut down a device in the middle of heart surgery.

Compounding the problem is that the FBI keeps its hacking techniques shrouded in secrecy. The FBI's statements to date do not inspire confidence that it will take the necessary precautions to test malware before deploying them in the field. One FBI special agent recently testified that a tool was safe because he tested it on his home computer, and it “did not make any changes to the security settings on my computer.” This obviously falls far short of the testing needed to vet a complicated hacking tool that could be unleashed on millions of devices.

Why would Congress approve such a short-sighted proposal? It didn't. Congress had no role in writing or approving these changes, which were developed by the US court system through an obscure procedural process. This process was intended for updating minor procedural rules, not for making major policy decisions.

This kind of vast expansion of government mass hacking and surveillance is clearly a policy decision. This is a job for Congress, not a little-known court process.

If Congress had to pass a bill to enact these changes, it almost surely would not pass as written. The Justice Department may need new authorities to identify and search anonymous computers linked to digital crimes. But this package of changes is far too broad, with far too little oversight or protections against collateral damage.

Congress should block these rule changes from going into effect by passing the bipartisan, bicameral Stopping Mass Hacking Act.

Americans deserve a real debate about the best way to update our laws to address online threats.

Mr. WYDEN. In the op-ed, we point out that legislators and the public know next to nothing about how the government conducts the searches and that the government itself is planning to use software that has not been properly vetted by outside security experts. A bungled government hack could damage systems at hospitals, the power grid, transportation, or other critical infrastructure, and Congress has not had a single hearing on this issue—not one.

In addition, the Rules Enabling Act gives Congress the opportunity to weigh in, which is exactly what my colleagues hope to be doing now on this important issue.

Because of these serious damages, I introduced a bill called the Stop Mass Hacking Act with a number of my colleagues, including Senators DAINES and PAUL. This bill would stop these changes from taking effect, and I am here this morning to ask unanimous consent that the bill be taken up and passed.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2952 and the Senate proceed to its immediate consideration, that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, reserving the right to object, I respect our colleague's right to come to the floor and ask unanimous consent. I understand that there are three unanimous consent requests, and I will be objecting to all three of them. I will reserve my statement as to why I am objecting after the third request.

At this point, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I wish to recognize my colleague from Montana, and after my colleague from Montana speaks, my friend from Delaware will address the Senate.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I thank my colleague from Oregon, Senator WYDEN, for talking about this important issue on the floor today.

We shop online with our credit cards, order medicine with our electronic health care records, talk to friends, share personal information, Skype, post beliefs and photos on social media, or Snapchat fun moments, all the while believing everything is safe and secure. It is more important now than ever to ensure that the information we store on our devices is kept safe and that our right to privacy is protected, and that is what we are really talking about

here today. How can we ensure that our information is both safe and secure from hacking and government surveillance?

Certainly technology has made our lives easier, but it has also made it easier for criminals to commit crimes and evade law enforcement. In short, our laws aren't keeping up with 21st-century technology advances. But the government's solution to this problem we are talking about today, the change to rule 41 of the Federal Rules of Criminal Procedure, represents a major policy shift in the way the government investigates cyber crime. This proposed solution essentially gives the government a blank check to infringe upon our civil liberties. The change greatly expands the hacking power of the Federal Government, allowing the search of potentially millions of Americans' devices with a single warrant. What this means is that the victims of hacks could be hacked again by their very own government.

You would think such a drastic policy change that directly impacts our Fourth Amendment right would need to come before Congress. It would need to have a hearing and be heard before the American people with full transparency. But, in fact, we have had no hearings. There has been no real debate on this issue.

My colleagues and I have introduced bipartisan, bicameral legislation to stop the rule change and ensure that the American people have a voice. The American people deserve transparency, and Congress needs time to review this policy to ensure that the privacy rights of Americans are protected.

The fact that the Department of Justice is insisting this rule change take effect on December 1—that is tonight at midnight—frankly, should send a shiver down the spines of all Americans.

My colleagues and I are here today to not only wake up Americans to this great expansion of powers by our government but also to urge our colleagues to join this bipartisan effort to stop rule 41 changes without duly considering the impact to our civil liberties. Our civil liberties and our Fourth Amendment can be chipped away little by little until we barely recognize them anymore. We simply can't give unlimited power for unlimited hacking which puts Americans' civil liberties at risk.

Again, I thank my colleagues from Delaware and Oregon for joining me here today, and I yield to my friend and colleague from Delaware, Senator COONS.

The PRESIDING OFFICER. The Senator from Delaware.

UNANIMOUS CONSENT REQUEST—  
S. 3475

Mr. COONS. Mr. President, I thank my colleagues, Senator WYDEN and Senator DAINES. They have worked tirelessly to address this pressing issue

of the pending change to privacy protections contained in a proposed change to the Federal Rules of Criminal Procedure.

As you have heard, if Congress fails to act today and thoroughly consider and debate these rule changes, they will go into effect at midnight tonight. They will take effect tomorrow, December 1. I believe it is essential that these rules strike a careful balance, giving law enforcement the tools they need to investigate cyber attacks and cyber crimes to keep us safe while also protecting Americans' constitutional rights to freedom from unreasonable searches, our right to privacy.

Neither the Senate nor House has held a single hearing or markup to evaluate these changes to the Federal Rules of Criminal Procedure. The body of government closest to the people has utterly failed to weigh in on an issue that can immediately and directly impact our constituents—our citizens. While the proposed changes are not necessarily bad or good, they are serious and present significant privacy concerns that warrant careful consideration and debate.

All Americans should want criminal investigations to proceed quickly and thoroughly, but, as I have said, I am concerned that these changes would remove important judicial safeguards by having one judge decide on a search that would give our government the ability to search and possibly alter thousands of computers owned by innocent and unknowing American citizens all over our country.

Members of Congress should have an opportunity to consider this information seriously. We should carefully evaluate the merits of these proposed changes and their ramifications. I think it is our duty to have a frank and open discussion so we can think about the unintended consequences and protect our constituents' rights. Two weeks ago, I introduced legislation that would give Congress the time to have that conversation. The Review the Rule Act, or S. 3475, would delay the changes to rule 41 until July 1, 2017. That bill is cosponsored by Senators WYDEN, LEAHY, BALDWIN, and FRANKEN, as well as Republican Senators DAINES, LEE, and PAUL. That list of Senators from every part of our ideological spectrum is just a reminder that this is not a partisan issue. This is a bipartisan group of Senators raising questions and challenges to a proposal by the Obama administration's Justice Department.

I think it is important to remind anyone watching or listening that we want to ensure that the American people are kept safe from hackers and online criminal activity. We want law enforcement to have the tools to investigate and address potential threats, but we shouldn't have to sacrifice our rights to privacy and protection from unreasonable searches and seizures just to achieve that protection.

I encourage my colleagues to join me in supporting this legislation and

working together to evaluate these changes to the Federal Rules of Criminal Procedure.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3475 and that the Senate proceed to its immediate consideration. I further ask that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I understand that the Senator from Montana will not be offering a unanimous consent request, so if it is all right with my colleagues, I wish to explain why I have objected.

Excuse me. I will yield back to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will still be offering a third proposal, so I ask my colleague if he wishes to speak now or after the third request.

Mr. CORNYN. Mr. President, I appreciate the courtesy of my friend and colleague from Washington—excuse me, Oregon, but I will reserve my remarks until after he makes the next UC request.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, when the Oregon Ducks go to the NCAA title game in basketball, I will invite my friend to sit with me and he will see Oregon in action.

#### UNANIMOUS CONSENT REQUEST— S. 3485

Mr. WYDEN. Senator CORNYN has now objected to passage of the two bills relating to rule 41, and he is certainly within his right to do so. I wish to offer the theory—not exactly a radical one, in my view—that if we can't pass bills with respect to mass surveillance or have hearings, we at least ought to have a vote so that the American people can actually determine if their Senators support authorizing unprecedented, sweeping government hacking without a single hearing. There is a lot more debate in this body over the tax treatment of race horses than massive expansion of surveillance authority.

In a moment, I will ask unanimous consent that the body move to an immediate rollcall vote on the Stalling Mass Damaging Hacking Act which would delay rule 41 changes until March 31. I don't condone Congress kicking cans down the road. This is one example of where, with a short delay, it would be possible to have at least one hearing in both bodies so that Congress would have a chance to debate a very significant change in our hacking policy.

Congress has not weighed, considered, amended, or acted like anything resembling an elected legislature on this issue. There have been some who have looked into the issue, but—I call it Senate 101—we should at least have a hearing on a topic with enormous potential consequences for millions of Americans. That had not been done, despite a bipartisan bill being introduced in the House and the Senate, days after the changes were approved. Lawmakers and the public ought to know more about a novel, complicated, and controversial topic, and they would be in a position to have that information if there was a hearing and Members of both sides of the aisle could ask important questions.

Since the Senate has not had a hearing on this issue, lawmakers have still been trying to get answers to important questions. Twenty-three elected representatives from the House and Senate, Democrats and Republicans spanning the philosophical spectrum, have asked substantive questions that the Department of Justice has failed to answer, and they barely went through the motions. They spectacularly failed to respond to both concerns of Democrats and Republicans in both the Senate and in the House.

I ask unanimous consent that the letter that was sent to the DOJ, signed by myself and 22 bipartisan colleagues from the House and Senate, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, October 27, 2016.

Hon. LORETTA LYNCH,  
U.S. Attorney General,  
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL LYNCH: We write to request information regarding the Department of Justice's proposed amendments to Rule 41 of the Federal Rules of Criminal Procedure. These amendments were approved by the Supreme Court and transmitted to Congress pursuant to the Rules Enabling Act on April 30, 2016. Absent congressional action the amendments will take effect on December 1, 2016.

The proposed amendments to Rule 41 have the potential to significantly expand the Department's ability to obtain a warrant to engage in "remote access," or hacking of computers and other electronic devices. We are concerned about the full scope of the new authority that would be provided to the Department of Justice. We believe that Congress—and the American public—must better understand the Department's need for the proposed amendments, how the Department intends to use its proposed new powers, and the potential consequences to our digital security before these rules go into effect. In light of the limited time for congressional consideration of the proposed amendments, we request that you provide us with the following information two weeks after your receipt of this letter.

1. How would the government prevent "forum shopping" under the proposed amendments? The proposed amendments would allow prosecutors to seek a warrant in any district "where activities related to a crime may have occurred." Will the Department issue guidance to prosecutors on how this should be interpreted?

2. We are concerned that the deployment of software to search for and possibly disable a botnet may have unintended consequences on internet-connected devices, from smartphones to medical devices. Please describe the testing that is conducted on the viability of "network investigative techniques" ("NITs") to safely search devices such as phones, tablets, hospital information systems, and internet-connected video monitoring systems.

3. Will law enforcement use authority under the proposed amendments to disable or otherwise render inoperable software that is damaging or has damaged a protected device? In other words, will network investigative techniques be used to "clean" infected devices, including devices that belong to innocent Americans? Has the Department ever attempted to "clean" infected computers in the past? If so, under what legal authority?

4. What methods will the Department use to notify users and owners of devices that have been searched, particularly in potential cases where tens of thousands of devices are searched?

5. How will the Department maintain proper chain of custody when analyzing or removing evidence from a suspect's device? Please describe how the Department intends to address technical issues such as fluctuations of internet speed and limitations on the ability to securely transfer data.

6. Please describe any differences in legal requirements between obtaining a warrant for a physical search versus obtaining a warrant for a remote electronic search. In particular, and if applicable, please describe how the principle of probable cause may be used to justify the remote search of tens of thousands of devices. Is it sufficient probable cause for a search that a device merely be "damaged" and connected to a crime?

7. If the Department were to search devices belonging to innocent Americans to combat a complicated computer crime, please describe what procedures the Department would use to protect the private information of victims and prevent further damage to affected devices.

Sincerely,

Ron Wyden; Patrick Leahy; Tammy Baldwin; Christopher A. Coons; Ted Poe; John Conyers, Jr.; Justin Amash; Jason Chaffetz; Steve Daines; Al Franken; Mazie Hirono; Mike Lee; Jon Tester; Elizabeth Warren; Martin Heinrich; Judy Chu; Steve Cohen; Suzan DelBene; Louie Gohmert; Henry C. "Hank" Johnson; Ted W. Lieu; Zoe Lofgren; Jerrold Nadler.

Mr. WYDEN. I also ask unanimous consent that the response from the Department of Justice, which I have characterized as extraordinarily unresponsive to what legislators have said, be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, November 18, 2016.

Hon. RON WYDEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WYDEN: This responds to your letter to the Attorney General, dated October 27, 2016, regarding proposed amendments to Rule 41 of the Federal Rules of Criminal Procedure, recently approved by the Supreme Court. We are sending identical responses to the Senators and Members who joined in your letter.

The amendments to Rule 41, which are scheduled to take effect on December 1, 2016,

mark the end of a three-year deliberation process, which included extensive written comments and public testimony. After hearing the public's views, the federal judiciary's Advisory Committee on the Federal Rules of Criminal Procedure, which includes federal and state judges, law professors, attorneys in private practice, and others in the legal community, approved the amendments and rejected criticisms of the proposal. The amendments were then considered and unanimously approved by the Standing Committee on Rules and the Judicial Conference, and adopted by the United States Supreme Court.

It is important to note that the amendments do not change any of the traditional protections and procedures under the Fourth Amendment, such as the requirement that the government establish probable cause. Rather, the amendments would merely ensure that venue exists so that at least one court is available to consider whether a particular warrant application comports with the Fourth Amendment.

Further, the amendments would not authorize the government to undertake any search or seizure or use any remote search technique, whether inside or outside the United States, that is not already permitted under current law. The use of remote searches is not new, and warrants for remote searches are currently issued under Rule 41. In addition, courts already permit the search of multiple computers pursuant to a single warrant, so long as the necessary legal requirements are met with respect to each computer. Nothing in the amendments changes the existing legal requirements.

The amendments apply in two narrow circumstances. First, where a criminal suspect has hidden the location of his computer using technological means, the changes to Rule 41 would ensure that federal agents know which magistrate judge to go to in order to apply for a warrant. For example, if agents are investigating criminals who are sexually exploiting children and uploading videos of that exploitation for others to see—but concealing their locations through anonymizing technology—agents will be able to apply for a search warrant to discover where they are located.

An investigation of the Playpen website—a Tor site used by more than 100,000 pedophiles to encourage sexual abuse and exploitation of children and to trade sexually explicit images of the abuse—illustrates the importance of this change. During the investigation, authorities were able to wrest control of the site from its administrators, and then obtained approval from a federal court to use a remote search tool to undo the anonymity promised by Tor. The search would occur only if a Playpen user accessed child pornography on the site (a federal crime), in which case the tool would cause the user's computer to transmit to investigators a limited amount of information, including the user's true IP address, to help locate and identify the user and his computer. Based on that information, investigators could then conduct a traditional, real-world investigation, such as by running a criminal records check, interviewing neighbors, or applying for an additional warrant to search a suspect's house for incriminating evidence. Those court-authorized remote searches in the Playpen case have led to more than 200 active prosecutions—including the prosecution of at least 48 alleged abusers—and the identification or rescue of at least 49 American children who were subject to sexual abuse. Nonetheless, despite the success of the Playpen investigation, Federal courts have ordered the suppression of evidence in some of the resulting prosecutions because of the lack of clear venue in the current version

of Rule 41. In other cases, courts have declined to suppress evidence because the law was not clear, but have suggested that they would do so in future cases.

Second, where the crime involves criminals hacking computers located in five or more different judicial districts, the changes to Rule 41 would ensure that federal agents may identify one judge to review an application for a search warrant rather than be required to submit separate warrant applications in each district—up to 94—where a computer is affected. For example, agents may seek a search warrant to assist in the investigation of a ransomware scheme facilitated by a botnet that enables criminals abroad to extort thousands of Americans. Such botnets, which range in size from hundreds to millions of infected computers and may be used for a variety of criminal purposes, represent one of the fastest-growing species of computer crime and are among the key cybersecurity threats facing American citizens and businesses. Absent the amendments to Rule 41, however, the requirement to obtain up to 94 simultaneous search warrants may prevent cyber investigators from taking needed action to liberate computers infected with such malware. This change would not permit indiscriminate surveillance of thousands of victim computers—that is not permissible now and will continue to be prohibited when the amendment goes into effect. This is because other than identifying a court to consider the warrant application, the amendment makes no change to the substantive law governing when a warrant application should be granted or denied.

The amended rule limits forum shopping by restricting the venue in which a magistrate judge may issue a warrant for a remote search to “any district where activities related to a crime may have occurred.” Often, this language will leave only a single district in which investigators can seek a warrant. For example, where a victim has received death threats, extortion demands, or ransomware demands from a criminal hiding behind Internet anonymizing technologies, the victim's district would likely be the only district in which a warrant could be issued for a remote search to identify the perpetrator.

In cases involving widespread criminal conduct, activities related to the crime may have occurred in multiple districts, and thus there may be multiple districts in which investigators may seek a warrant under the new amendment. For many years, however, existing laws have recognized the need for warrants to be issued in a district connected to criminal activity even when the information sought may not be present in the district. The language of the new Rule 41(6)(6) amendment limiting warrant venue to “any district where activities related to a crime may have occurred” was copied verbatim from the existing warrant venue provisions in Rule 41(6)(3) and (b)(5), which authorize judges to issue out-of-district warrants in cases involving terrorism and searches of U.S. territories and overseas diplomatic premises. Thus, the new venue provision of Rule 41(b)(6) for remote searches is consistent with existing practices in these other contexts. Similarly, warrants for email and other stored electronic communications are sought tens of thousands of times a year in a wide range of investigations. Such warrants may be issued in any district by a court that “has jurisdiction over the offense being investigated.” 18 U.S.C. §§2703 & 2711(3).

As with law enforcement activities in the physical world, law enforcement actions to prevent or redress online crime can never be completely free of risk. Before we conduct online investigations, the Department of

Justice (the Department) carefully considers both the need to prevent harm to the public caused by criminals and the potential risks of taking action. In particular, when conducting complex online operations, we typically work closely with sophisticated computer security researchers both inside and outside the government. As part of operational planning, investigators conduct pre-deployment verification and validation of computer tools. Such testing is designed to ensure that tools work as intended and do not create unintended consequences. That kind of careful consideration of any future technical measures will continue, and we welcome continued collaboration with the private sector and cybersecurity experts in the development and use of botnet mitigation techniques. The Department's antibotnet successes have demonstrated that the Department can disrupt and dismantle botnets while avoiding collateral damage to victims. And of course, choosing to do nothing has its own cost: leaving victims' computers under the control of criminals who will continue to invade their privacy, extort money from them through ransomware, or steal their financial information.

Law enforcement could obtain identifying information (such as an IP address) from infected computers comprising a botnet in order to make sure owners are warned of the infection (typically, by their Internet service provider). Or law enforcement might engage in an online operation that is designed to disrupt the botnet and restore full control over computers to their legal owners. Both of these techniques, however, could involve conduct that some courts might hold constitutes a search or seizure under the Fourth Amendment. In general, we anticipate that the items to be searched or seized from victim computers pursuant to a botnet warrant will be quite limited. For example, we believe that it may be reasonable in a botnet investigation to take steps to measure the size of the botnet by having each victim computer report a unique identifier; but it would not be lawful in such circumstances to search the victims' unrelated private files. Whether or not a warrant authorizing a remote search is proper is a question of Fourth Amendment law, which is not changed by the amendments to Rule 41. Simply put, the amendments do not authorize the government to undertake any search or seizure or use any remote search technique that is not already permitted under the Fourth Amendment. They merely ensure that searches that are appropriate under the Fourth Amendment and necessary to help free victim computers from criminal control are not, as a practical matter, blocked by outmoded venue rules.

The amendment's notice requirement mandates that when executing a warrant for a remote search, “the officer must make reasonable efforts to serve a copy of the warrant on the person whose property was searched or whose information was seized or copied,” and that “[s]ervice may be accomplished by any means, including electronic means, reasonably calculated to reach that person.” What means are reasonably available to notify an individual who has concealed his location and identity will of course vary from case to case. If the remote search is successful in identifying the suspect, then notice can be provided in the traditional manner (following existing rules for delaying notice where appropriate in ongoing investigations). If the search is unsuccessful, then investigators would have to consider other means that may be available, for example through a known email address. In an investigation involving botnet victims, the Department would make reasonable efforts to

notify victims of any search conducted pursuant to warrant. For example, if investigators obtained victims' IP addresses at a particular date and time in order to measure the size of the botnet, investigators could ask the victims' Internet service providers to notify the individuals whose computers were identified as being under the control of criminal bot herders. Under such an approach, it would not even be necessary for investigators to learn the identities of specific victims. The Department will, of course, also consider other appropriate mechanisms to provide notice consistent with the amended Rule 41.

Under the Federal Rules of Evidence, the government must establish the authenticity of any item of electronic evidence it moves to admit in evidence. To do so, it must offer evidence "sufficient to support a finding that the item is" what the government claims it to be, and a criminal defendant may object to the admission of evidence on the basis that the government has not established its authenticity. The amendments to Rule 41 do not make any change to the law governing the admissibility of lawfully obtained evidence at trial, whether on the basis of authenticity or any other basis, and to our knowledge authenticity objections have not played a substantial role in prior federal criminal trials at which evidence obtained as a result of remote searches was introduced.

Protecting victims' privacy is one of the Department's top priorities. To the extent that investigators collect any information concerning botnet victims, the Department will take all appropriate steps to safeguard any such information from improper use or disclosure. The Department presently and vigorously protects the private information collected pursuant to search warrants for computers and documents seized from a home or business and the Department will follow the same exacting standards for any warrant executed under the amendments to Rule 41.

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

PETER J. KADZIK,  
*Assistant Attorney General.*

Mr. WYDEN. Colleagues are going to see that substantive, clear questions, posed by Democrats and Republicans in writing, were not responded to.

Because of the lack of genuine answers from the Justice Department to this letter, signed by 23 Members of Congress, and the substantial nature of these unprecedented changes in surveillance policy, I ask now for unanimous consent for a vote on the SMDH Act to give Congress time to debate these sweeping changes to government's hacking authority.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3485, introduced earlier today; that at a time to be determined by the majority leader, in consultation with the Democratic leader, but no later than 4 p.m. today, the Senate proceed to vote in relation to this bill.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I know sometimes that when people hear us

engage in these debates, they think we don't like each other and we can't work together; that we are so polarized, we are dysfunctional. Actually, these Senators are my friends in addition to being colleagues. Let me just explain how I think their concerns are misplaced.

First of all, we all care about, on the spectrum of privacy to security, how that is dialed in. As the Presiding Officer knows, as the former attorney general of Alaska, we always try to strike the right balance between individual privacy and safety and security and law enforcement, and sometimes we have differences of opinion as to where exactly on that spectrum that ought to be struck, but the fundamental problem with the requests that have been made today is, Federal Rule Of Criminal Procedure 41 has already been the subject of a lengthy 3-year process with a lot of thoughtful input, public hearings, and deliberation.

As the Presiding Officer knows, the courts have the inherent power to write their own rules of procedure, and that is what this is, part of the Federal Rules of Criminal Procedure. What happens is a pretty challenging process when we want to change a Federal rule of criminal procedure. We have to get it approved by the Rules Advisory Committee. It is made up of judges, law professors, and practicing lawyers. Then it has to be approved by the Judicial Conference. Then, as in this case, they have to be endorsed by the U.S. Supreme Court, which is Federal Rule of Criminal Procedure 41, which happened on May 1, 2016.

If there was any basis for the claim that this is somehow a hacking of personal information without due process of law or without adequate consideration, I just—I think the process by which the Supreme Court has set up, through the Rules Advisory Committee and through the Judicial Conference, dispels any concerns that the objections that were raised were not adequately considered.

I am also told, Senator GRAHAM from South Carolina chaired a subcommittee hearing of the Senate Judiciary Committee—I believe it was last spring—on this very issue. So there has been some effort in the Congress to do oversight and to look into this, although perhaps it didn't get the sort of attention that it has gotten now.

The biggest, most important point to me is that for everybody who cares about civil liberties and for everybody who cares about the personal right of privacy we all have in our homes and the expectation of privacy we have against intrusion by the government without due process, this still requires the government to come forward and do what it always has to do when it seeks a search warrant under the Fourth Amendment. You still have to go before a judge—an impartial magistrate—you still have to show probable cause that a crime has been committed, and the defendant can still

challenge the lawfulness of the search. The defendant always reserves that right to challenge the lawfulness of the search. I believe all of these constitutional protections, all of these procedural protections, all the concerns about lack of adequate deliberation can be dispelled by the simple facts.

There is a challenge when cyber criminals use the Internet and social media to prey on innocent children, to traffic in human beings, to buy and sell drugs, and there has to be a way for law enforcement—for the Federal Government—to get a search warrant approved by a judge based on the showing of probable cause to be able to get that evidence so the law can be enforced and these cyber criminals can be prosecuted. That is what we are talking about. All this rule 41 does is creates a circumstance where if the criminal is using an anonymizer, or some way to scramble the IP address—the Internet Protocol address of the computer they are operating from—then this rule of procedure allows the U.S. attorney, the Justice Department, to go to any court that will then require probable cause, that will then allow the defendant to challenge that search warrant—but to provide a means by which you can go to court and get a search warrant and investigate the facts and, if a crime has been committed, to make sure that person is prosecuted under the letter of the law.

I appreciate the concerns my colleagues have expressed, that somehow we have gotten the balance between security and privacy wrong, but I believe that as a result of the process by which the Rules Advisory Committee, the Judicial Conference, and the Supreme Court have approved this rule after 3 years of deliberation, including public hearings, scholarly input by academicians, practicing lawyers, law professors and the like, I think that ought to allay their concerns that somehow this is an unthought-through or hasty rule that is going to have unintended consequences. I think the fundamental protection we all have under the Fourth Amendment of the Constitution against unreasonable searches and seizures and the requirement that the government come to court in front of a judge and show probable cause that a crime has been committed, and that even once the search warrant is issued, that the defendant can challenge the lawfulness of the search—all of that ought to allay the concerns of my colleagues that somehow we have gotten that balance between privacy and security right because I think this does strike an appropriate balance.

Those are the reasons I felt compelled to object to the unanimous consent requests, and I appreciate the courtesy of each of my colleagues.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I wish to engage my friend for a moment with respect to his remarks. He is absolutely right that we

have been friends since we arrived here, and we are working together on a whole host of projects right now. So this is debate about differences of opinion with respect to some of the key issues. I wish to make a couple of quick points in response to my colleague.

My colleague said there had been an inclusive process for discussing this. As far as I can tell, the vast amount of discussion basically took place between the judges and the government. My guess is, if you and I walked into a coffee shop in Houston or Dallas, or in my home State, in Coos Bay or Eugene, people wouldn't have any idea what was going to happen tonight at midnight. Tonight at midnight is going to be a significant moment in this discussion.

My colleague made the point with respect to security and privacy. I definitely feel those two are not mutually exclusive; we can have both, but it is going to take smart policies. My colleague has done a lot of important work on the Freedom of Information Act issues. These are complicated, important issues, and nobody up here has had a chance to weigh in. There has been a process with some judges, and I guess some folks got a chance to submit a brief. Maybe there was a notice in the Federal Register; that is the way it usually works, but nobody at home knows anything about that. My guess is, none of our hospitals know anything about something like this, and it has real implications for them because our medical facilities—something we all agree on that have been major sources of cyber hackings—they have been major kinds of targets.

Again, this is not the kind of thing where somebody is saying something derogatory about somebody personally; we just have a difference of opinion with respect to the process. To me, at home, when people hear about a government process, they say: Hey, I guess that means I get a chance to weigh in. That is why I have townhall meetings in every county every year because that is what the people think the process is, not judges talking among themselves.

The second point my friend touched on was essentially the warrant policies and that he supports the Fourth Amendment and this is about the Fourth Amendment. I think that is worth debating. To me, at a minimum, this is an awful novel approach to the Fourth Amendment. One judge, one warrant for thousands and potentially millions of computers which could result in more damage to the citizen after the citizen has already been hit once with the hack. So my colleague said this is what the fourth Amendment is about. I think that is a fair point for debate. I would argue this is an awful novel approach to the Fourth Amendment. This is not what I think most people think the Fourth Amendment is. Hey, this is about me and somebody is going to have to get a warrant about me. It is about individuals.

To me, the Senate has now—and we still have officially 12 hours to do something about it—but as of now, the Senate has given consent to an expansion of government hacking and surveillance. In effect, the Senate, by not acting, has put a stamp of approval on a major policy change that has not had a single hearing, no oversight, no discussion. In effect, the Senate—this is not even Senate 101. That is what everybody thinks Senators are supposed to be about. When we are talking about search and seizure, that is an issue for Congress to debate, and the Justice Department shouldn't have the ability to, at a minimum, as I indicated in my conversation with my colleague from Texas, come up with a very novel approach to the Fourth Amendment without elected officials being able to weigh in.

Now I will close by way of saying that when Americans find out that the Congress is allowing the Justice Department to just wave its arms in the air and grant itself new powers under the Fourth Amendment without the Senate even being a part of a single hearing, I think law abiding Americans are going to ask: So what were you people in the Senate thinking about? What are you thinking about when the FBI starts hacking the victims of a botnet attack or when a mass attack breaks their device or an entire hospital system, in effect, has great damage done, faces great damage, and possibly puts lives at risk?

My hope is that Congress would add protections for Americans surrounding the whole issue of government hacking. I have said again and again and again that the smart technology policy, the smart surveillance policy from the get-go is built around the idea that security and liberty are not mutually exclusive, that a smart policy will do both, but increasingly, policies coming out of here aren't doing a whole lot of either. In this case, I think the Senate is abdicating its obligations. Certainly, in the digital era, Americans do not throw their Fourth Amendment rights out the window because they use a device that connects to the Internet.

So I am going to close by way of saying that I think this debate about government hacking is far from over. My guess is that Senators are going to hear from their constituents about this policy sooner rather than later, and we will be back on the floor then, looking to do what should have been done prior to midnight tonight, which is to have hearings, to involve the public—not just Justices and maybe a few people who can figure out how to find that section of the Federal Register so they can weigh in.

Americans are going to continue to demand from all of us in the Senate policies that protect their security and their liberty. They are right to do so. That cause will be harmed if the Senate doesn't take steps between now and midnight.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 21ST CENTURY CURES BILL

Ms. WARREN. Mr. President, I am glad to be here with my colleagues today to have a chance to talk about the 21st Century Cures bill. On Monday I came to the Senate floor to speak against a deal that was emerging in the House of Representatives around this bill.

When Congress first started working on this proposal 2 years ago, the idea was for Democrats and Republicans to work together to improve medical innovation and access to lifesaving cures. For over 2 years a lot of people worked really hard on that effort. We had a chance to bring down the cost of skyrocketing drugs. We had a chance to support medical research so we could start to cure diseases such as Alzheimer's and diabetes. We had a chance to help coal miners whose health care is on the ropes and who are running out of time. Unfortunately, the Cures bill introduced in the House last week didn't do any of those things. Instead, it was a typical Washington deal—a deal that ignored what voters want, and held a bunch of commonsense, bipartisan health proposals hostage unless Congress also agreed to pass a giant giveaway to drug companies.

So how did this happen? Lobbyists. Kaiser Health News estimated that the new Cures bill has generated more lobbying than almost all of the 11,000 bills that have been proposed during this Congress. At one point, there were about three lobbyists for every single Member of Congress. Every one of those lobbyists wanted favors. Wow. Did they get some doozies here: a provision to make it easier for drug companies to commit off-label marketing fraud—taking pills that are approved for one use and using them for a whole lot of other purposes—without any evidence that it is either safe or effective, a provision making it easier for drug companies to hide gifts they give to doctors who prescribe certain drugs, a giveaway to a major super PAC donor who stands to benefit financially through pushing regenerative therapies through FDA, even if they don't meet the FDA's gold standard for safety and effectiveness.

This bill is not about doing what the American people want. This bill is about doing what drug companies and donors want. On Monday, I made it clear that I oppose this. Since then, two things have happened. First, since Monday, the public has gotten wind of this deal and they don't like it. In the last 24 hours, more than 100,000 people

have signed petitions calling on Congress to just reject the deal. Second, since Monday, we have seen the bill changed a little.

Last night, after they got some heat, the House took out the provision letting drug companies hide kickbacks to donors. Good. I guess they were having a hard time explaining to anybody why it made any sense to help drug companies cover up bribery. The lobbyists are disappointed about that, but they are still pushing for the bill because even though the kickbacks are out, letting drug companies get away with fraud is still in.

Giveaways are bad in this bill, but that is not the only thing that is a problem with this bill. What is not in the bill also hurts. Seventy years ago, Congress promised to provide for the health and welfare of American coal miners and their families. Now 120,000 coal miners, their widows, and their families will see massive cuts to their health benefits and retirement pensions. Why? Because the bipartisan mine workers protection act was left out of this bill. Without it, 12,500 coal miners will lose their health insurance on December 31 of this year. Another 10,000 will lose their coverage next year and on and on into the future.

According to exit polls, 70 percent of voters say they think the American economy and the lawmakers who oversee it are owned—owned by big companies and special interests. Bills like the 21st Century Cures Act are the reason why. There is so much we could do with this bill.

This Congress could step up for thousands of American coal miners. For their entire lives, these coal miners have sacrificed everything for their families, for their communities, and for this country. They have literally sacrificed their health. They are running out of time. We could help.

This Congress could step up to help millions of people who are struggling with exploding drug prices. We could help bring down the cost of drugs. This Congress could step up to help the millions of families who have been touched by Alzheimer's, diabetes, cancer, and other deadly disease.

We could help by providing more funding for the research that would generate real cures. This Congress could step up to deal with drug companies that think they are above the law, giant corporations that think they can break the rules and then get Congress to do special favors for them. We can just say: No, that is not what we are in business to do. The American people are not clamoring for the Cures bill, at least not this version.

Tens of thousands of people have asked us not to pass it. Even the conservative group Heritage Action for America has come out strongly against this deal. I don't agree with all of their objections, but they explain, "In Washington terms, backroom negotiators have turned the Cures bill into a Christmas tree loaded with handouts

for special interests, all at the expense of the taxpayer."

Boy, got that one right. This kind of backroom dealing that helps those with money and connections and leaves scraps for everyone else is why people hate Washington. It is the reason I will oppose this bill.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts for calling us together on the floor to discuss this important bill, the 21st Century Cures Act. It is a bill I followed closely because I started off introducing the American Cures Act.

My goal in medical research was inspired by Dr. Francis Collins at the NIH. He just told me point blank: If you want to increase the output of medical research, find cures for diseases and help innocent people, increase the spending at the NIH by 5 percent real growth a year for 10 years, and I will light up the scoreboard.

That is what I set out to do. That is what the American Cures Act set out to do, including the Centers for Disease Control and the Department of Defense medical research. As is usually the case in Congress, it is no surprise when someone sees an idea and thinks they can do it a little differently and a little better so, in the House of Representatives, Congressman FRED UPTON and Congresswoman DIANA DEGETTE introduced the 21st Century Cures Act.

Theirs was a different approach. I guess it reflected a difference in philosophy. What we see today is what has happened to an originally good idea as it worked its way through the House of Representatives over a long period of time. The simple concept of increasing medical research spending at NIH by 5 percent a year has now become a very complicated formula.

Frankly, it is one I have very mixed feelings over. I look at it and think: It would have been so simple for us to make a national commitment on a bipartisan basis to increase NIH funding by 5 percent a year and to do it over 10 years. I know we would see the difference.

Just to put things in perspective so we understand them, there are certain diseases now which are costing us dearly: Alzheimer's. We know about that, don't we. There is hardly a family in America who does not have someone in their family or a friend who has been stricken by Alzheimer's. Think of this for a moment. An American is diagnosed with the Alzheimer's disease once every 67 seconds—once every 67 seconds.

Twenty percent—twenty percent of all the money we spend on Medicare in America is spent for Alzheimer's and dementia—one out of five dollars—but you add to that, one out of three dollars in Medicare is spent on diabetes, so between diabetes and Alzheimer's, over half of our Medicare budget is going to those patients.

When we talk about the need to develop new drugs to intervene and, with

God's blessing, to cure some of these diseases, we are talking about not only alleviating human suffering, we are talking about the very real cost of government and health care—the very real cost that we bear as individuals, as families, as businesses, as a government, and as taxpayers.

In this bill are some positive things, this 21st Century Cures bill. I do want to highlight them because they are worthy; the fact that we are now going to commit ourselves to deal with issues such as opioids. The opioid-heroin epidemic in America is real, and we are not investing in what we need to treat it and deal with it. We need to have substance abuse treatment—much, much more than we have today.

One out of six or eight people who are currently addicted are receiving treatment. We need to do dramatically better. This bill puts money into that. It also includes language, including some parts I offered as an amendment, that will deal with mental illness. Mental illness and substance abuse treatment are basically on the same track in terms of helping people. This bill addresses that. I am glad it does. I think that is very positive.

What is disappointing about this bill—there are several things. First, the money we are spending in this bill largely comes from one source, prevention—health care prevention funding in the Affordable Care Act. How important is that? Do you know how that money is being spent? We have something called the 317 vaccination program. What it says is, if you come from one of the poorest families in America, we will pay for our children to be vaccinated so they don't have to worry about the diseases that can change the life or even take the life of an infant.

The 317 vaccine program, half of the money comes from the prevention funds we are raiding for medical research. Does that make sense; that we are going to take money away from prevention and vaccination to invest in new drugs to treat diseases? We can prevent these diseases in the first place with adequate vaccinations.

It is a warped sense of justice in America that we would eliminate the health care prevention funds to pay for health care research funds. It is a zero sum as far as I am concerned. It is not just a matter of vaccinations. When you look at other things: 43 percent of the money that is spent on diabetes in America—prevention of diabetes in America—is through the prevention fund in the Affordable Care Act.

That figure tells us that if we can invest on getting people to change their lifestyles, sometimes very slightly, or to take certain drugs, they can avoid the onset of diabetes. So we are cutting the prevention funds for diabetes in order to pay for more research for cures for diabetes. Does that make sense?

Let me ask you about this: tobacco. A lot of my career in Congress has been focused on tobacco, the No. 1 avoidable

cause of death in America today. Tobacco cessation programs pay off many times over. They are paid for by the prevention funds we are now raiding for medical research. We are taking away the funds to prevent tobacco addiction, and we are going to put more investment in trying to find cures for lung disease. There is something wrong with this thinking—completely wrong with this thinking.

At the outset, I would say going to the prevention programs to pay for research programs is not clear thinking on the part of the people that are putting this together. We are told: Well, you better do it because the Republicans will take control of the White House and Congress next year and they are going to wipe out all of the prevention funds. They want to do away with the Affordable Care Act. We will pay a heavy price for that. We are starting to make that payment today.

The second thing I want to say is, I am totally underwhelmed by the amount of money in this bill. When you take a look at the amount of money that is being spent here, it has dramatically changed as we have debated this bill. Originally, this was a \$9.3 billion program for medical research, pretty hefty. Over a 5-year-period of time, this would have had a dramatic impact in a short period of time.

Well, that changed. It is about half of that now. It is spread over 10 years. So the amount of money actually going to the National Institutes of Health any given year is interesting—\$400 million, \$500 million—but it does not match what was originally promised in the 21st Century Cures Act. Of course, the question is, if this money is put in out of prevention funding, will it be additive? Will it be more?

Let me close by saying this. I know there are many who have strong feelings about this bill. I think it is a step in the right direction, but as Senator WARREN has told us, it is at a hefty cost when it comes to some of the favors included in this bill for people who have friends in high places when it comes to the Congress.

Here is what I can tell you with certainty. We have been able, for 2 successive years in the appropriations process, to do something important and historic. Let me tip a hat to my colleague from Missouri, Senator ROY BLUNT, a Republican, who took up this cause in the Appropriations Committee and provided 5-percent real growth in spending for the National Institutes of Health last year and would do it again this year if the Republican leadership would allow us to bring his appropriations bill to the floor.

We know we can make substantial new investments in NIH medical research. We have a bipartisan will to achieve it. We have the Appropriations Committee ready to act. Instead, what I am afraid of is this bill, which is a modest investment in medical research, will be the end of the conversation for many Members of Congress.

When the time comes months from now, whether this passes or not—it probably will pass—but when the time comes months from now for us to debate medical research, many will say: Oh, we already checked that box. We have already done that with the 21st Century Cures bill.

This bill is a pale imitation of the original bill. It is only a fraction of the funding which the Appropriations Committee has already put in to enhance medical research at the NIH. It overpromises and underdelivers. Some of the aspects of it—the troubling aspects—are off-label drugs and special favors for the contributors when it comes to medical treatment are out of place here.

If we did not learn any lesson in this last election about draining the swamp, well, shame on us because the American people told us do it differently—do it openly. Bring in transparency and honesty in this effort. When it comes to medical research, we should expect nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to join my colleagues from Massachusetts and Illinois to express strong objections to the 21st Century Cures Act, a bill that is being considered in the House today and will be considered in the Senate.

This bill proceeds to make effective \$6.3 billion in cuts to programs while laying out a vision of what might possibly be spent in the future to assist in medical research. This is very much an imbalance. Real cuts—and as I will point out, those cuts hit things that matter with a promise of some of future possible action. We have seen these promises made and broken time and time again in this Chamber. If you are going to make a real commitment, then why isn't the real commitment in this bill?

I ask my colleagues from across the aisle: Why isn't the real commitment to these programs in this bill? Why isn't the spending in this bill? Why isn't the spending on precision medicine that is promised to be considered in the future in this bill? Why isn't the funding for the Cancer Moonshot promised to be considered at some point in the future actually in this bill? Why isn't the program to help address an understanding of and pursue cures for Alzheimer's, which is actually just a promise to be considered in the future—why isn't that actually in this bill? Why isn't the work promised to be considered in the future for adult stem cell research, which could have application to multiple cures and multiple diseases, actually in this bill?

Well, I will tell you what is in this bill. What is in this bill is a provision that loosens the rules governing how companies market their drugs and the anti-fraud laws that go along with them—headache pills being advertised on television as a cure for the common

cold and hair loss, perhaps. This is just what Big Pharma wants: freedom, freedom to mislead consumers about what drugs actually have been proven to do.

I will tell you what else is in this bill. It allows people to sell untested treatments and drugs without final FDA approval that has demonstrated the treatments are safe. Two big factors deregulating responsible provisions for Big Pharma are in this bill. But all of those rainbows, all those stars promised—those are for future consideration, to dress up special interest provisions for Big Pharma.

I will tell you what else is in this bill. There are special interest provisions for Big Tobacco, taking away \$3.5 billion in prevention funds from the public health fund, \$3.5 billion real dollars in prevention. The tobacco companies hate prevention programs because they make their money from addicts. Their goal in life is to get people addicted. This prevention fund is to prevent people from getting addicted. As you ponder all the diseases that stem from the use of tobacco—cancer of the lungs, cancer of the esophagus, heart disease in one form or another, all kinds of forms of decimation due to the daily inhaling of these toxins—that is what the tobacco industry thrives on, and they thrive on it from addiction.

Here we have a fund designed to help people avoid the addiction that takes away from their quality of life, often for decades of their time on our beautiful, blue-green planet, and, instead, encourages a process through which people will not only suffer personally but have massive medical bills, driving up the cost of health care in America for everyone, driving up the cost of insurance for everyone in America.

Since its launch in 2012, the Tips campaign has helped more than 400,000 smokers quit for good. According to the Centers for Disease Control and Prevention, it saved 50,000 lives. At a cost of less than \$400 for each year of life saved, in public health circles it is considered a best buy, dollars well spent that improve the quality of thousands of people's lives and reduce costs in the health care system. That is a win-win.

But what is in this bill? An assault on that win-win to help the tobacco companies get more addicts.

The chronic diseases and unhealthy behaviors the prevention fund is intended to address impose tremendous costs. Tobacco use alone costs about \$170 billion a year. Last year in health care expenses, more than 60 percent of it was paid by taxpayers through Medicare and Medicaid, so we all feel the impact of this.

What else gets cut? Oh, Medicare funding gets cut. If you are for taking apart the preeminent health care system so that our seniors can retire without the stress of worrying about access to health care, then vote for this bill. This is an assault on Medicare—big favors for Big Pharma, big favors for Big Tobacco, and an assault on Medicare.

It doesn't trim some Medicare programs that maybe are not as effective as others and help the others be stronger, more effective. No, it just takes away from Medicare.

Those are the things that are in this act, but what is not in this act? The mine workers protection act championed by my colleague from West Virginia, Senator MANCHIN. The mine workers protection act isn't in here, but the provisions expire for thousands of mine workers in the near future. There are 12,500 coal miners who will lose their health insurance on December 31. Another 10,000 will lose their health coverage next year and on into the future if we don't restore this program. If this bill is about health care, why isn't the coal miners' provision in here? I think it should be, but it is not.

What else isn't in here? Senator WYDEN's provision to help children who are foster children gain access to programs to help them address mental health and addiction. That was in here yesterday. That would have been a positive talking point for this bill yesterday, but it was stripped out last night. This bill isn't ready, not just for prime time; it is not ready for consideration at all.

If we are going to cut real programs to fund other real programs such as the Moonshot and Alzheimer's research, strengthening NIH, then get it into this bill. Don't just put in the real cuts and then say there is some promise and an invitation to chase a rainbow down the road. Put it in the bill.

The things that are in here are powerful, deregulatory giveaways to Big Pharma and Big Tobacco, making the lives of our citizens worse, not better. That is why we should kill this bill.

Thank you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Kaine. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

CHIEF PETTY OFFICER SCOTT C. DAYTON

Mr. Kaine. Mr. President, I rise today to honor Naval CPO Scott Dayton, a Virginian who became America's first combat casualty in Syria. Scott was a resident of Woodbridge, VA, here in Northern Virginia. He enlisted in the military in 1993, in the Navy, and had a distinguished 23-year career, finishing his time in one of the most dangerous billets in the military—as a bomb disposal expert.

Scott was working in Syria pursuant to Operation Inherent Resolve, and on Thanksgiving day he was killed. He was a 42-year-old Virginian based out of Virginia Beach, but he was killed working to dispose of bombs about 30

miles from Raqqa, Syria, which is one of the two main headquarters of ISIS.

Scott Dayton was a decorated sailor in his 23-year military career. He won virtually every award there was, including a Bronze Star—19 different awards and commendations. Because his death occurred over a holiday weekend, there wasn't a lot of attention paid to it, but it was something I really wanted to come to the floor today to talk about because he is the first combat death in Syria of an American servicemember in Operation Inherent Resolve.

I wish we were paying more attention to this, and that is what I want to devote the rest of my comments to.

#### USE OF MILITARY FORCE AUTHORIZATION

Mr. Kaine. We began Operation Inherent Resolve, which is a war against ISIS, on August 7, 2014. President Obama announced at the time that we were engaging in targeted airstrikes against ISIS because of their advance toward Erbil. There is a U.S. consulate in Erbil, and so that was part of the President's inherent powers to defend the Nation—to protect our consulate.

Within a very few weeks, we had completely protected American interests, and President Obama said now is the time to go on offense against ISIS. The President appeared before the American public in a televised speech the evening of September 10, 2014, and said that we had taken care of the imminent threat to the United States but now we needed to go into an offensive war to “degrade and ultimately destroy the Islamic state.” And that description of what the mission is has now been broadened, in the words of current Secretary of Defense Ash Carter, to focus on ISIS's lasting defeat.

Since the war against ISIS began in August 2014, more than 5,000 members of the U.S. military have served in Operation Inherent Resolve either in Iraq or Syria. Right now, just as an example, from my home State, there is a carrier, the USS *Eisenhower*—homeported in Norfolk—that is in the gulf now as part of Operation Inherent Resolve. The U.S. military has launched over 12,600 airstrikes. We are carrying out special forces operations. We are assisting the Iraqi military, Syrians fighting the Islamic State in Syria, as well as the Kurdish Peshmerga in the northern part of Iraq.

Because of the work of American troops and those they are working with, we have made major gains against ISIS in northern Iraq. The territory they control in northern Iraq has dramatically shrunk. We have made major gains in shrinking their territory in northern Syria, and that is to be credited to brave folks like CPO Scott Dayton. But the threat posed by the Islamic State continues, and increasingly, as their battle space shrinks in real estate, they undertake

efforts off that battleground to try to destabilize us around the world.

This fight against ISIL, which is a key—maybe the key—national security priority involving U.S. combat operations in Iraq and Syria, will likely continue for the long foreseeable future, even after the complete liberation of Mosul and Raqqa, which I am confident will occur. The war has cost \$10 billion—800 days of operations at an average of \$12.6 million a day.

I began by honoring Scott Dayton, but Scott Dayton is not the only military member who has lost his life in this war. Five have been killed in combat in total, and 28 American servicemembers have lost their lives supporting Operation Inherent Resolve. As we speak, there are more than 300 special forces now in Syria fighting a very complex battlefield where Turkish, Syrian, Russian, Iranian, Lebanese Hezbollah, and Kurdish forces are operating in close proximity, as evidenced by recent developments and the growing humanitarian catastrophe in Aleppo.

I continue to believe—and I will say this in a very personal way as a military dad—that the troops we have deployed overseas deserve to know Congress is behind this mission. As this war has expanded into 2-plus years—I don't know whether that would have been the original expectation—with more and more of our troops risking and losing their lives far from home, I am concerned—and again raise something I have raised often on this floor—that there is a tacit agreement to avoid debating this war in the one place where it ought to be debated—in the Halls of Congress.

The President maintains that he can conduct this war without a new authorization from Congress, relying upon an authorization that was passed on September 14, 2001. When the new Congress is sworn in, in early January—I think 80 percent of those Members of Congress were not here when the September 14, 2001, authorization was passed, so the 80 percent of us who were not here in 2001 have never had a meaningful debate or vote regarding this war against ISIL.

I have been very critical of this President. I am a supporter of the President. I am a friend of the President. I respect the Office of the President. But I have been very critical of this President for not vigorously attempting to get an authorization done. When the President spoke about the need to go on offense against ISIL in September of 2014, it took him 6 months from the start of hostilities to even deliver to Congress a proposed authorization. I actually think that is the way the system is supposed to work, that the President delivers the proposed authorization. But I have also been harshly critical of the article I branch because regardless of whether the President promptly delivers an authorization, under article I of the Constitution, it is Congress that has the obligation to initiate war.

As the current Presiding Officer knows because he is not only a Senator but a historian, the founding documents of this country are so unusual still today in making the initiation of war a legislative rather than Executive function. Madison and the other drafters of the Constitution knew that the history of war was a history of making it about the Executive—the King, the Monarch, the Sultan, the Emperor—but we decided that we would be different and that war would only be initiated by a vote of the people's elected legislative body and at that point would be conducted by only 1 commander-in-chief, not by 435. We have not had the debate. We have not had the vote.

This has been ironic because for 4 years I have been in a Congress that has been very quick to criticize the President for using Executive action. This is an Executive action that most clearly is in the legislative wheelhouse; yet it has been an Executive action that the body—and I am making this as a bipartisan and bicameral comment—has been very willing to allow the President to make.

I introduced a resolution for the first time to get Congress to debate and do this job in September of 2014, 2 days after the President spoke to the Nation about the need to take military action against ISIL. That authorization led to a Senate Foreign Relations Committee hearing and a vote in December of 2014 to authorize military action against ISIL, but that committee resolution never received any debate or vote on the Senate floor.

In 2015, working together with a Senate colleague from Arizona, Senator FLAKE, we decided we really needed to show our opposition to ISIL. Our belief that appropriate military force from the United States should be used against them was bipartisan, and so we introduced a bipartisan authorization of military force on June 8, 2015, in an attempt to move forward with some congressional debate on this most important issue. Aside from a few informal discussions in the Senate Foreign Relations Committee, there has never been a markup, never been a discussion, never been a committee vote or a floor vote.

So 2½ years of war against the Islamic State and 15 years now after the passage of the authorization in September of 2014, we see that authorization has been stretched way beyond what it was intended to do. The authorization of September 14, 2001, was a 60-word authorization giving the President the tools to go after the perpetrators of the attacks of 9/11. ISIL didn't exist on September 11, 2001; it was formed in 2003. President Obama recently announced that the authorization is now going to be expanded to allow use of military action against Al-Shabaab, the African terrorist group—a dangerous terrorist group, to be sure—but Al-Shabaab did not begin until 2007.

So an original authorization that was very specific by this body to allow action against the perpetrators of the 9/11 attacks is now being used all over the globe against organizations that didn't even exist when the 9/11 attacks occurred. Just to give an example, the 2001 authorization has been cited by Presidents Bush and Obama in at least 37 instances to justify sending Armed Forces to 14 nations. Pursuant to the authorization to go after the perpetrators of the 9/11 attacks, we have authorized military action in the Bush and Obama administrations in Libya, Turkey, Georgia, Syria, Iraq, Afghanistan, Yemen, Eritrea, Ethiopia, Djibouti, Somalia, Kenya, and the Philippines, as well as authorizing military activity in Cuba at Guantanamo to maintain detainees.

Just in the last week, the New York Times reported that President Obama is expanding the legal scope of the war against Al Qaeda by easing targeting and restrictions against Al-Shabaab, but again this was a group that didn't exist until 2007, 6 years after the 9/11 attacks.

Mr. President, I will conclude and say that having been very vocal about this issue for a number of years, it has been disappointing. Although we are all used to not getting our way in all kinds of ways, it has been disappointing to me that we have not been willing to take up this matter.

I do think a transition to a new administration and a transition to a new Congress that will be sworn in, in early January always gives you the opportunity to review the status of affairs and make a decision about what to do. I believe it is time for us to review the progress of the war against nonstate terrorist groups—Al Qaeda, ISIS, Al-Shabaab, Boko Haram, Al-Nusra. It is time for us to review U.S. military action against nonstate terrorist organizations. It is time for us to redraft the 2001 authorization that has been stretched far beyond its original intent. It is time for us to recognize that this is a continuing threat that is not going away anytime soon. But I guess what I will say is most important is that it is time for Congress to reassert its rightful place in this most important set of decisions. Of all the powers we would have as Congress, I can't think of any that are more important than the power to declare war. I view that as the most important, the most difficult, the most challenging, the power we should approach with the most sense of gravity. That is the most important thing we should do. It should never be an easy vote. It should always be a hard vote, but it should be a necessary vote. I think the inability or unwillingness of Congress to grapple with this sends a message that is unfortunate. It sends a message of lack of resolve to allies. It might even send a message of lack of resolve to our adversary.

But what I am most concerned about are people like CPO Scott Dayton, peo-

ple who are serving in a theater of war, who are risking their lives in a theater of war, who have been giving their lives in a theater of war and doing it without the knowledge that Congress supports the mission they are on.

As I conclude, Article I and Article II allocation of responsibilities are not just about what is constitutional. I think it reflects a value, and the value is this: We shouldn't order people into harm's way to risk their lives unless there is a political consensus that the mission is worth it. Anyone who volunteers for military service knows it is going to be difficult, and we will not be able to change that. But if we are going to order people into combat and order them to risk their lives—and even if they are not harmed, they may see things happen to colleagues of theirs that could affect them the rest of their lives. If we are going to order them to do that, then there should at least be a national political consensus that the mission is worth it. The way the Constitution sets that up is the President makes a proposal, but then Congress—the people's elected body—votes and says: Yes, the mission is worth it.

Now that we have had that vote, now that we have had that debate and we have educated the public about what is at stake, and now that we have said the mission is worth it, it is fair then to ask our 2 million Active-Duty Guard and Reserves—folks like Chief Petty Officer Scott Dayton, folks like my oldest son—to go and risk their lives on a mission like this. But if we are unwilling to have the debate and have the vote, it seems to me to be almost the height of public immorality to force people to risk and give their lives in support of a mission that we are unwilling to discuss.

Again, I offer these words in honor of a brave Virginian who lost his life on Thanksgiving Day, November 24. I hope that the growing number of people who are losing their lives in Operation Inherent Resolve may spur this body to take this responsibility with more gravity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President I thank my colleague from Virginia, who is always speaking up for our men and women in uniform and for our Nation's veterans.

#### MINE WORKERS' HEALTH CARE AND PENSIONS AND THE 21ST CENTURY CURES BILL

Mr. BROWN. Mr. President, right now our Nation's retired coal miners—and I know Senator KAINE and Senator WARREN care about this, too—are on the brink of losing the health care and retirement benefits that they have earned over a lifetime of hard work.

It is within the power of this Congress to stop this, to help the mine workers, and to do right by these hard-working Americans. Many of them are

veterans. Most of them wore their bodies out to give their families a better life. There is no more fitting action that we can take during this holiday season than to honor this promise that the American Government has made to our Nation's mine workers since Harry Truman made that promise. The workers held up their end of the bargain. It is despicable that we are not holding up ours and that we are preparing to leave town without lifting a finger to help these workers.

United Mine Workers of America's health care and pension plan covers some 100,000 mine workers; 6,800 live in Ohio. If Congress fails to act, thousands of retired miners could lose their health care this year. I emphasize that it is retirement security they worked for, security they fought for, and security they sacrificed raises and their own health for.

Understand this: Too many people that dress in suits, work here, draw good salaries, and draw good benefits don't understand what happens at the bargaining table for workers in our country. They often give up raises today to defer that money so that they have retirements and pensions in the future.

Say that again: People at the bargaining table give up dollars today. Rather than take a little higher pay today, they are willing to defer that so they will have better pensions and health care. This Congress, this Senate leadership is blocking us from doing that.

These are workers who worked for decades in the mines—hard, back-breaking work but work that had dignity. I live in a place that some national media people, including President-Elect Trump, have referred to as the "rust belt." When they say "rust belt," that is a direct attack on the dignity of work. It demeans their work. It diminishes who they are. It is saying that those people, such as miners, steelworkers, and others who make things, are in the past.

For these mine workers, every year in their work in the mines, they have earned and contributed to a health plan and pension plan. I have met with some of these workers—Ohioans like Norm Skinner, Dave Dilly, and Babe Erdos. I have heard their stories. They knew they were signing up for tough, dangerous work. They worked in the mines, after all. They knew that. But they also know their work had dignity. That work was part of a covenant we used to have in this country—a covenant that said: If you work hard, if you put in the hours, if you contribute to retirement, if you provide for your own health care in the future, you will be able to support yourself and your family. It is what built our country. It is what created the middle class.

Today, the value of that work is eroding. Too often, too many major corporations in this country are choosing profits over people. We haven't lifted a finger, frankly. The political agen-

da here—some people who run this Senate simply don't have respect for the mine workers, for the union. They seem to have some anti-union sensibilities about this. Whatever it is, they are not lifting a finger to help these workers who put in the effort and who are in trouble through no fault of their own.

There is no reason to leave town. We shouldn't be going home for the holidays without taking care of the 6,800 mine workers in Ohio, a number of mine workers in West Virginia, thousands of mine workers in Virginia, Eastern Kentucky, and Southwest Pennsylvania.

This is a bipartisan solution. It will not cost taxpayers a dime. If this bipartisan mine workers legislation were brought to the floor today, it would pass with majorities in each party. We shouldn't be taking up other legislation. Until we do this, it should be part of the Cures Act that we will be voting on later.

The Cures Act has important components to it, good steps on mental health, on hospital reimbursement. It has my National Pediatric Research Network Act in it. But it is a 900-page bill negotiated entirely in the House. It has major flaws.

It does include funding for NIH, funds to fight the opioid epidemic. We know how important that is. But the funding isn't mandatory. It will be subject to the whims of future Congresses. This is pretty good happy talk, and we are saying the right things. We are putting language in this bill, but it doesn't guarantee the money will be there. It is so important to my State.

A new report released this week showed Ohio had the most drug overdoses that resulted in death in the country in 2014, not the most per capita. We had more drug overdose deaths than California, three times our population; Texas, twice our population; more than Illinois, Pennsylvania, New York, Florida—all States with more people than we have. More Ohioans died from drug overdoses from OxyContin or oxycodone or heroin or the new synthetic drugs we are seeing more and more. We have to do more.

The billion dollars in grants in this bill are critically important, but it needs to be mandatory funding. It can't be that down the road some powerful Member of the House or Senate stands in the way of actually getting these communities the money. We can't fight year after year to get these dollars appropriated.

The Cures Act gives significant concessions to Big Pharma, which is the big drug industry, the drug giants in this country, but it does absolutely nothing to combat drug prices. We give concessions to the big drug companies, but we do nothing to fight the high cost of drugs in this bill.

We shouldn't be spending time on this flawed bill until we keep our promises to the 12,000 mine workers I mentioned. These miners worked in some of the most dangerous conditions of any

jobs in this country. They deserve the full pension and health benefits they were promised. They have worked a lifetime to earn these benefits. They kept faith with us. We must keep faith with them. It is simply irresponsible and immoral for us to leave town and not take care of the mine workers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SASSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARRASSO). Without objection, it is so ordered.

#### USE OF MILITARY FORCE AUTHORIZATION

Mr. SASSE. Mr. President, I had not intended to speak today. I was presiding in the chair, but I simply want to take one minute to associate myself with the comments of the Senator from Virginia, Mr. KAINE, who just spoke about our war against ISIS.

I think two points he said are worth underscoring for us in this body:

No. 1, we are obviously at war with ISIS. We should acknowledge that we are at war with ISIS.

No. 2, why is it important that we do this? It is important for the troops who are at war for us to acknowledge the reality of the fact that we are at war. It is important for their families. It is important for debate and deliberation in this body and in the country more broadly. And, frankly, it is important for the future of this body to honor a constitutional intent that distinguishes between Article I, the legislature, and Article II, the Executive.

In the American system, in Madison and the other Founders' genius, they recognized that many foreign wars have not made sense in human history because Executives get wrapped up in war without broader deliberation about the consequences of their actions.

To be clear, we should absolutely be at war with ISIS, and we are at war with ISIS. But in the American constitutional system, it is the obligation of the 535 of us who serve in the Congress—and particularly the 100 who serve in the Senate—to represent our people and to have this debate before the people about the fact that we are at war with ISIS.

Then, the Commander in Chief, as Chief Executive, should prosecute that war in a way that the American people know has the sanction and the validation of both branches and of all the people across 50 States.

This is not the action of one President acting unilaterally. It is a bad precedent to set for us to continue to drift and to remain at war now 15 years post the authorization that was against the perpetrators of the 9/11 attack, now using that old authorization to conduct

a war, now on a second continent—now in Africa as well—but without any current discussion or authorization.

The use of military force is something that should be deliberated about in this body. I again want to associate myself with the comments of the Senator from Virginia that, given that we are at war with ISIS, we should formally be declaring war against ISIS.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Wyoming.

#### OBAMACARE

Mr. BARRASSO. Mr. President, Democrats in Washington continue to try to understand the results of the election. I have heard them blame Republicans, I have heard them blame Russian hackers, I have heard them blame the FBI, and I have even heard them blame the press. What I have not heard is a single Washington Democrat admit that one reason Democrats lost on November 8 could be their disastrous health care law. Well, the health care law has definitely been on the minds of the voters.

On October 31, just 1 week before election day, the Milwaukee Journal Sentinel had an article with the headline, "Rates for Obamacare Plans Jump in Wisconsin." This article said that tens of thousands of middle-class people in Wisconsin who don't qualify for Washington subsidies "will pay the full cost of double-digit premium increases."

The article quoted one insurance broker, saying:

I've talked with people who are exasperated. They are just at wit's end.

That is what the insurance broker said.

It is not just the price increases. In at least five States, there is only one company selling plans on the ObamaCare exchange. My State of Wyoming is one of those. People are being told their plan will no longer include their doctor or maybe even a hospital near where they live. The average deductible for a silver plan next year is going to be almost \$3,600. There is damage that ObamaCare is doing to American families right now. People are seeing it.

That article was in a Wisconsin newspaper, a State in which, apparently—according to the polls—Donald Trump was running behind, but both of them carried the State handedly. Here we have an election where people expressed their opinion, and the Democrats seem to want to deny the main reason for it.

The American people have placed their faith now in Republicans, and we, in turn, earned that trust. We will do it through both Executive action and legislative action with regard to the health care law. First, President Trump will have a great opportunity to start making things better for the American people by changing some of the regulations that are a huge part of the health care law.

Remember, this health care law is 2,700 pages long, and within those 2,700 pages there are more than 1,800 places where the law gives the Secretary of Health and Human Services the power to write different rules and different regulations and different requirements to try to spell out what the 2,700-page law says. The Obama administration absolutely abused that power. The administration added more than 40,000 pages—40,000 pages of regulations and of redtape that were never actually in the law itself.

In the Trump administration, there is going to be a new Secretary of Health and Human Services. He is a physician—an orthopedic surgeon. Once confirmed, I believe he will be able to interpret, reinterpret, and then reapply the law in ways that actually help American families instead of so many ways that hurt American families because the interpretation in the past favored Big Government over people.

This includes applying the law to make it easier for businesses to provide insurance to people who work for them. It means giving power back to the States to come up with ideas that work for all of the citizens. The nominated Secretary of Health and Human Services is not just a doctor, but he also served in the State legislature, and he knows that at the State level you can make much better decisions for the people of that State than when Washington comes up with a one-size-fits-all decision.

Republicans want to make sure the power goes back to where it belongs—with the people, the families, and the States. That is where it belongs. The Executive action can start pretty quickly, and it can be abridged to the important work that the Congress is going to have to do. We are going to work hard in the Senate and in the House to undo some of the damage—significant amounts of the damage—that ObamaCare has caused. It is undoing the damage because people all around this country have suffered under this health care law. It means repealing the health care law and wiping the slate clean.

ObamaCare can't be fixed by tinkering with it here and there—not with another attempted bailout of the insurance companies, which the President has continued to promote. This solution isn't to add more government on top of what we already have.

The health care law began collapsing a long time ago, and Republicans are now ready to clear away the rubble. Then, we will write a new law with a multiple step-by-step process—a law that reforms America's broken health care insurance system so patients can get the care they need from a doctor they choose at lower costs—one that puts American families in control of their health care and a law that is simpler, fairer, more effective, and more accountable.

We have seen the mistakes that the Democrats have made with the health

care law. We have seen that every State is different. So we are going to be looking to push as much authority out of Washington and back to the States. We have seen that too many mandates and regulations drive up costs, and they drive up the costs without improving the quality of care. We have seen that when Washington writes bad laws, the unintended consequences are severe.

These are all things that Republicans have said since the very beginning. The failure of ObamaCare has proven that the Republicans were right. The election has proven that the American people want a new approach. American families don't want us to tinker with ObamaCare. They just want affordable health care.

I want to make a couple of things clear. First of all, nobody is talking about taking people off of insurance without a replacement plan in place. We all understand that there needs to be a transition over time. People have already been hurt too much when they lost their insurance, when their rates went up because of ObamaCare, and with the mandates and the government saying they know better than families across the country.

We will be working to make the transition as smooth as possible for everyone. That is why we are including a transition period in a repeal bill that Congress passed last year and sent to the President's desk. The President, of course, vetoed it. Our goal is to do no harm.

As we write a new health care law, we will be looking to make it real reform that is actually centered on patients. We can increase the use of health savings accounts. That will give more people the chance to control how they spend their own money on their health care. We can support innovative insurance plans that pay for prescription drugs that work best for patients and not just the ones preferred by insurance companies. We will be talking about ways to protect people with pre-existing conditions and letting young people stay on their parents' insurance. These are important parts of the health care law.

Republicans are going to consider any ideas—any ideas that can help us to give people what they wanted all along—access to the care they need from a doctor they choose at lower cost.

Democrats promised that they would listen to other people's ideas, and then they went behind a closed door in an office back there and they wrote the law, ignoring all of the suggestions by Republicans and without any Republican support at all.

We are not going to make that mistake. We will be looking for Democrats' help. We will be looking for Democrats to work with. We will be listening to Democrats' ideas, and we will be working very hard to win Democratic votes for any new law.

Reforming health care in this country is not going to be easy. It is not

something we are going to do for the purpose of scoring political points or to discredit President Obama. I will tell you, as a doctor, that it is something we must do to protect American families and their health, as well as their health care.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DAKOTA ACCESS PIPELINE

Mr. HOEVEN. Mr. President, I rise to speak and also to respond to the comments of some of my colleagues on the Dakota Access Pipeline and the ongoing protests in my State of North Dakota.

Here we have a chart showing the Dakota Access Pipeline. It is a 1,172-mile pipeline from the Bakken oilfields near Stanley, ND, to refineries and terminals that actually connect to Patoka, IL, and then that light crude can go into eastern refineries. It will move 470,000 barrels of oil daily from the Bakken in North Dakota and Montana to eastern markets and to refineries that depend on that light sweet crude. This is high quality. This is the lightest, sweetest crude we produce. It is very high quality oil.

It is also important to understand this oil is already moving. It is already moving to these markets right now by rail and by truck. This oil is already being moved.

This pipeline actually increases the efficiency and the safety with which we move this oil that is already being transported to eastern markets.

Furthermore, the project has undergone years of State regulatory reviews and an extensive Federal environmental assessment which found no significant environmental impact. Again, the environmental assessment found no significant environmental impact. It has been twice challenged and twice upheld, including by the Obama administration's own appointees in Federal court. The Federal courts found that the Army Corps had followed the appropriate process that the Standing Rock Tribe was properly consulted and that the project can lawfully proceed.

Everyone has a right to be heard, but it must be done lawfully and peacefully, whether this is during the permitting process with its opportunities for comment or disputing the outcome through the court system. Of course, that is why we have the court system. It hears grievances and provides dispute resolution.

The ongoing protest activities which are occurring in North Dakota—which at times have been violent—are being prolonged and intensified by the Obama administration's refusal to ap-

prove the final remaining easement at Lake Oahe. This inaction has inflamed tensions, strained State and local resources and, most importantly, is needlessly putting people at risk, including Tribal members, protesters, law enforcement officers, construction workers, and area residents—our farmers and ranchers who live and work in the area of the pipeline.

It is past time that the final easement is approved and construction is completed. We need to get this issue resolved. It is past time to get this issue resolved. As the record demonstrates, it should be done on its merits through the previously established regulatory and legal process. In other words, follow the law. We are a country of laws. Follow the law.

Further, the Federal law enforcement agencies should help our State and local law enforcement officers to ensure the law is followed to prevent violent and unlawful protests and see that the peace is maintained. Our law enforcement officers have worked professionally, diligently, and tirelessly to protect the public.

To further describe the situation, let me provide some background. The company developed the route for the Dakota Access Pipeline beginning in 2014. The current path will run parallel to an existing Northern Border Gas pipeline which was placed into service in 1982, as well as an existing high-voltage electric transmission line. In North Dakota, this is an already established right-of-way for energy infrastructure. You have an existing gas line that goes through this same route and you have a high-voltage transmission line as well.

Approximately 99 percent of the route for the Dakota Access Pipeline crosses private land. Only 3 percent of the work needed to build the pipeline requires Federal approval of any kind, and only 1 percent of the pipeline affects U.S. waterways. To date, the pipeline is already 98 percent complete in North Dakota, and it is 86 percent complete overall, from North Dakota to Illinois. That includes the route around and up to the final two-tenths-of-a-mile portion of the Missouri River, which is where most of this protest is occurring. This area of the river, known as Lake Oahe, is controlled by the Army Corps for flood control purposes and requires one remaining Federal easement.

The segment at the center of this debate is a small section planned to traverse under Lake Oahe which would occur at a depth of 92 to 117 feet below the riverbed. In other words, the pipeline doesn't enter the river at all. It is about 100 feet below the river. That is very important to understand. In fact, where it crosses underneath the river, it is 100 percent adjacent to an existing natural gas pipeline. In other words, it follows a pipeline that is already built and is there now, an existing natural gas pipeline. This was done so any ground disturbances would not harm

any cultural or Tribal features. That is why they followed this right-of-way.

Let's put this into perspective a little bit. We have another chart that helps do that. Remember, we are talking about crossing the river in one place, right? We are talking about a pipeline that is going to cross this river in one spot.

Let's put that into a broader context, into a broader perspective. The Congressional Research Service estimates there are 38,410 crude oil pipeline river and water body crossings in the United States. So in our network of oil pipelines around the country, we cross water more than 38,000 times. We are talking about doing it one more time here. But we already do it more than 38,000 times all over the country. This chart shows you that.

In North Dakota alone, we cross bodies of water more than 1,000 times—more than 1,000 times. So this is hardly something new and different. The Congressional Research Service estimates that there are 3,410 crude oil pipeline river and water body crossings in the United States already existing, including 1,079 in North Dakota alone. So I guess we go from 1,079 to 1,080 just in our State. These crossings range from rivers, streams, and lakes to ponds, canals and ditches.

So let's talk about tribal consultation. In total, the Army Corps held 389 meetings, conferred with more than 55 tribes, and conducted a 1,261-page environmental assessment before finding that this infrastructure project has no significant environmental impact. So they did all of that study, all of that consultation. Conclusion: This project has no significant environmental impact.

So the Federal court then reviewed this decision once the protests started. The Federal court reviewed the Corps' work. In the September 9 Federal court opinion, U.S. District Judge James Boasberg noted that the company surveyed nearly twice as many miles in North Dakota as the 357-mile route that would eventually be used for the pipeline. So they surveyed a lot more than they actually used.

Why did they do that? The Federal judge noted that where the surveys revealed evidence of historically important or cultural resources, such as stone features, the company modified the route on its own—140 times in North Dakota alone. So 140 times the company modified its route to make sure they avoided any cultural or sensitive features. Remember, they are using an existing corridor that already has a gas pipeline and already has a high-voltage transmission line. They still modified it 140 times to make sure they avoid any culturally sensitive resources.

Additionally, in another instance, the Corps ordered the company to actually change the route where it crossed the James River, which is another river further east that has not been protested—it crosses that river too—to

avoid burial sites there. They actually changed the route to make sure they avoided any sensitive sites.

The pipeline company and the Army Corps have documented dozens of attempts to engage with the Standing Rock Sioux Tribe to help identify historical resources and provide feedback in the planning process. Judge Boasberg, I might mention again, was appointed by the Obama administration. Judge Boasberg, a U.S. Federal court judge here in the District of Columbia, wrote: "The tribe largely refused to engage in consultations, and chose to hold out for more, namely the chance to conduct its own cultural surveys over the entire length of the pipeline."

Remember, the entire length of the pipeline goes all the way from North Dakota to Illinois. All right, let's go to the third chart. Further, I am going to put this up because the tribe appealed to the court to stop construction on the pipeline. The court said no. They have followed the law. They have done this appropriately.

I think here is a good quote from the judge's decision. Judge Boasberg wrote:

As it was previously mentioned, this Court does not lightly countenance any depredation of lands that hold significance to the Standing Rock Sioux. Aware of the indignities visited upon the Tribe over the last centuries, the Court scrutinizes the permitting process here with particular care. Having done so, the Court must nonetheless conclude that the Tribe has not demonstrated that an injunction is warranted here.

So the Judge says that he came into reviewing the Corps process trying to find if they had not covered all the bases properly. He came with a mindset to make sure they had exercised due diligence. He said they had.

In the spring of 2016, I helped arrange meetings between Colonel Henderson—COL John Henderson is the district director from Omaha, NE, for our district—and the Standing Rock Sioux Tribe, at the request of the Standing Rock Sioux Tribe. It was during these meetings that Army Corps Colonel Henderson imposed additional conditions on the pipeline, including a double-walled piping in response to tribal concerns about environmental safety. So he is now adding additional features after that consultation.

A tribal monitoring plan has also been required, which requires Dakota Access to allow tribal monitors at certain sites when construction is occurring. So he added even more conditions after further consultation. In July 2016, the Army Corps issued its final environmental assessment, which concluded with a "Finding of No Significant Impact" and "No Historic Properties Affected" determinations.

The environmental assessment establishes that the Corps made a good-faith effort to consult with the tribes and that it considered all tribal comments. In addition, Dakota Access has developed response and action plans. They will include state-of-the-art monitoring systems, shutoff valves and

other safety features to minimize the risk of spills and reduce or remediate any potential damage.

So, let's take a look at just some of these—just some of these. There are many of them. Again, it is at least 92 feet under the river. So if you had a break in the pipeline, it would have to come up somehow through almost 100 feet of bedrock—come up through 100 feet of bedrock somehow to get into the river.

But if you did have a rupture, you have automatic shutoff valves that are monitored 24 hours a day, 7 days a week. Remember that additional condition that the Corps added after consultation? It is a double-walled pipe. So it is a double-walled pipe.

These are just some of the safety features. In addition, the Army Corps required the company to implement numerous mitigation plans, including: One, an environmental construction plan; two, a stormwater pollution prevention plan; three, a spill prevention, control, and countermeasure plan; four, a horizontal directional drilling construction plan; five, a horizontal directional drilling contingency plan; six, an unanticipated cultural resources discovery plan; seven, a geographical response plan; eight, a facility response plan; and, nine, a tribal monitoring plan, among other measures. Those are just some of them.

So let's talk about the protests. The Obama administration's inaction on the final Federal easement crossing the Missouri River has created undue hardship and uncertainty for area residents, for private landowners, for our farmers and ranchers that live and work in the area, for tribal members, for construction workers who have been chased off the construction site by protesters, and certainly for our law enforcement personnel who have had to be out there day and night for months.

Now we have winter weather conditions. Recently, with a very severe snowstorm, you have really life-threatening conditions out there for somebody who is trying to camp out in the middle of winter. Since the protests started earlier this year, State and local agencies have been put to the test in maintaining public safety, which have been threatened by ongoing and often violent protest activity.

There have been instances of trespassing, vandalism, and theft. Construction equipment has been set on fire. Workers have been chased off the work site. Workers who were just trying to lawfully do their job were chased off the work site. Fires were started on privately owned ranchland. This is not on the reservation. It is on private land. Residents have endured the challenges caused by roads being blocked or closed, either by protest activity. They have shut down highways. Protest activities have shut down highways. Roads are being blocked or closed by protest activity that has shut down roads or by law enforcement's response to ensure safety, at a time when farm-

ers and ranchers are busy harvesting, hauling hay, shipping calves, and moving their herds from summer pastures.

In addition, law enforcement is investigating cases of butchered, mutilated, injured, and missing cattle, horses, and bison in areas adjacent to the site occupied by the protesters. Law enforcement has worked to protect everyone. Again, I will emphasize that. Law enforcement has worked to protect everyone. They have been patient, professional, and diligent. They have not used concussion grenades.

More than 500 protesters have been arrested for breaking the law, and over 90 percent of them are from out of State. Over 90 percent of the more than 500 protesters that have been arrested are from out of State, and many, if not most, are not Native American. They are environmental activists from other parts of the country. If you want more information on law enforcement, go to YouTube, "Know the Truth Morton County," which is a Web site that the Morton County Sheriff's Department uses to provide updates on their efforts to maintain law and order at the protest site.

The motto of law enforcement is to "serve and protect." That is exactly what they are doing. So in conclusion, in accordance with the findings of the Army Corps of Engineer's environmental assessment and the court decisions, the Army Corps needs to follow established legal and regulatory criteria and approve the final easement so that construction can be completed.

In addition, Federal resources should be deployed expeditiously to protect people and property in the area of violent protests to help support State and local law enforcement efforts.

As I said, this issue needs to be resolved. It is past time to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Hampshire.

#### CONTINUING RESOLUTION

Mrs. SHAHEEN. Madam President, I came to the floor this afternoon to talk about our failure, once again, to go through a regular appropriations process. I share what I know is a disappointment on the part of many of our colleagues that this Congress is choosing, once again, to disregard the regular appropriations process and resort to a short-term continuing resolution.

This will have serious negative impacts on our country's national security and on the economy. As ranking member on the Appropriations Subcommittee on Homeland Security, I applaud the chair of that subcommittee, Senator HOEVEN, who was just on the floor, for the bipartisan work that has gone on. But as I look at the potential impact on homeland security, our failure to get an appropriations bill will have serious negative consequences for

our Nation's emergency preparedness, for our transportation security, and for cyber security, just to name a few.

Closer to home in our local communities, it will hurt law enforcement as well as efforts to combat the opioid epidemic. At the beginning of this 114th Congress, the majority leader pledged to return the Senate to regular order. Now, translated into simple English for people who may be watching, regular order means doing our job and doing it the right way when it comes to the budget process.

It means meeting our Constitutional responsibility to produce an annual appropriations bill for the American people—legislation that will allow government at all levels and people from all walks of life to plan, to invest, to build, and to move our Nation forward. But instead, we are again being presented with an inadequate short-term stopgap bill, a continuing resolution that does not get the job done for the American people.

I applaud the Appropriations Committee chair, Senator COCHRAN, and our vice chair, Senator MIKULSKI, and the great work that has been done by all of the members of the Appropriations Committee. Senators COCHRAN and MIKULSKI have led the committee in a diligent good-faith effort to craft appropriations bills that meet our Nation's current needs and challenges, but unfortunately all those efforts will now be cast aside.

As Vice Chair MIKULSKI said yesterday, Republican leaders have decided to "procrastinate rather than legislate." This has brought us to the final days of the 114th Congress with no regular order and no annual appropriations bills. This has very serious consequences nationally as well as in our States and local communities. For example, just on homeland security, over the last year the Appropriations Subcommittee on Homeland Security has crafted a bipartisan bill to ramp up emergency preparedness at the local level to meet the rising threat of cyber attacks and to address challenges in transportation security, including at our airports. All of these improvements and gains will be lost for the time of the continuing resolution.

Over the last year, we have seen terrorist attacks in San Bernardino, Orlando, and sadly, just this last week, in Columbus, OH. Yet, because of the continuing resolution, the Federal Emergency Management Agency will be unable to award more than \$2 billion in homeland security preparedness grants to State and local governments. These are grants that allow States and local communities to plan and to practice their emergency response before disasters happen. That is how we cut response time, and that is how we save lives, but because of Congress's failure to do our jobs and pass annual appropriations bills, these preparedness grants will not be able to go forward.

Another area that is a critical national priority is cyber security. Last

year Federal agencies reported more than 77,000 cyber security incidents. Local businesses that own and operate much of the infrastructure, from banks to sewage systems, are under greater threat of cyber attack. Late last month hackers attacked the New Hampshire-based company of Dyn, which is part of the backbone of the Internet. This attack on Dyn took down large swathes of Internet all across the globe. Dyn responded admirably to the attack, but there will be more and more sophisticated attacks in the future. To address these challenges, our appropriations bill in Homeland Security tripled the number of Federal cyber security advisers, and it increased cyber security funds to harden systems in Federal agencies. But, again, because of the continuing resolution, all of these advances will be put on hold for the duration of the CR.

Of course, our Nation faces ongoing challenges in transportation security. To address increasing airline passenger volume and long security wait times, we have added nearly 1,400 transportation security officers, converted about 3,000 part-time officers to full-time status, funded 50 new bomb-sniffing K-9 teams, and added new screening equipment. To sustain these efforts through fiscal year 2017, the Transportation Security Administration needs a funding increase, but under the continuing resolution, these funds will not be available. This increases the prospect of staffing shortfalls, and it means that more and more Americans will be standing in long lines, angry and frustrated at airports across this country.

The damage done by the continuing resolution will be felt in each of our States and in communities all across America. This week I heard from the executive director of New Hampshire's Coalition Against Domestic and Sexual Violence, Lyn Schollett. She and her colleagues across New Hampshire are very troubled by the prospect of the continuing resolution. She told me that crisis centers, which are critical to help victims of domestic violence, will be stretched. They will have unpredictability that will make it even harder for programs to train and retain competent staff. It will affect their ability to serve victims of domestic violence across New Hampshire.

As a member of the Armed Services Committee, I am also very aware—as so many of us on that committee are—of the harmful effect of continuing resolutions on our military. Just yesterday I joined with other members of the Senate Navy Caucus to hear from the Chief of Naval Operations, ADM John Richardson. He pointed out that the Navy and all the other services have lived with 9 years of continuing resolutions. I want to say that again. Nine years of continuing resolutions. Nine years of not being able to count on a budget process that would allow them to plan. He talked about how this chronic budget chaos has been very costly. He said that military planners

now operate from the assumption that there will be a CR and that any planning for the first quarter of the fiscal year is rendered unreliable. Year after year, this has resulted in project delays, multiple contracting actions for the same work, and it winds up costing more. It winds up costing the taxpayers more, it winds up costing our military more, and it winds up having an impact on all of the missions we have asked our men and women in uniform to take on.

During the current continuing resolution period running through December 9, the Navy had planned to award \$24 billion in research and development contracts, but now, because of the CR, it will award only \$16 billion in contracts. In my home State of New Hampshire, the CR limits the ability of the Portsmouth Naval Shipyard—one of the four premier public shipyards in the country—to award contracts for critical infrastructure projects. This can interfere with submarine maintenance schedules, which then impacts the readiness of the submarine fleet. Again, I think it is important to point out that this costs us more. It doesn't save money to have a continuing resolution. That is a whole misunderstanding on the part of some people. It costs more.

Every Senator understands that our failure to pass a full-year appropriations bill for fiscal year 2017 will do serious harm to people in communities all across America. As I just said, as we have seen in past years, it is going to cost us more money.

The Constitution vests in Congress the profound responsibility to appropriate funds to meet the Nation's needs. We have a duty to do so in a timely and responsible manner.

I appreciate—I understand, based on news reports, that the reason we are going to a short-term continuing resolution is because the incoming administration says they want to put a stamp on government spending. Well, that is not the way the process is supposed to work. In future fiscal years, there will be the opportunity for the new administration to put their imprint on government spending. They will have a lot to do in the coming months of the new administration with the nominees and the process of vetting and approval of nominees and with new legislation. Why set up a budget battle 3 months into the new administration when we don't need to, when we have appropriations bills that have been through committee, in most cases have been agreed to by House and Senate negotiators, and we could move forward with that process, just as leadership of this body has committed to do?

At the beginning of this Congress, the Senate's Republican leaders pledged to restore regular order to the appropriations process. Instead, once again we are presented with a short-term stop-gap funding bill that shortchanges critical national needs and priorities. I believe the American people deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I see the distinguished Senator from Arkansas on the floor. I suggest we go to him next, but I ask unanimous consent that I be recognized when he finishes his comments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arkansas.

#### TRIBUTE TO JAMES A. ROSS

Mr. COTTON. Madam President, today I wish to recognize James A. Ross of Cotter as the Arkansan of the Week for exemplifying what it means to be a great Arkansan.

After serving in the U.S. Navy, Jim and his wife Mary Lou moved to Cotter in 1959 to raise their three boys because they saw Arkansas as a State that puts people first.

Jim worked as a carpenter and played a role in the construction of many buildings in Cotter, Mountain Home, and other areas in North Central Arkansas. Until his retirement, he worked tirelessly to ensure the success and stability of his family, his church, and his community.

Jim is a popular guy in Cotter. He has always been an active member of the community. He served as the Cotter school board secretary and worked to help build the current Cotter City Hall. Additionally, Jim has served as a deacon for First Baptist Church in Cotter for over 40 years.

Jim and Mary Lou have been married for over 64 years. Jim now spends his time enjoying his three children and a number of grandchildren and great-grandchildren. In fact, it was one of those grandkids, Cameron, who nominated Jim for Arkansan of the Week. In his nomination, Cameron wrote:

Jim's faith drives his every move, and at 86-years-old, he still gives as much back to the community as he possibly can. On any given day you can find him driving around town waving at passersby, or working in his garden in front of his green-and-brown house with sunflowers painted on it.

Cameron continued:

Jim Ross is a great Arkansan, not because he has done one major thing, but because he has done countless little things to further his city, his state, and his nation.

I couldn't agree more. Jim truly embodies what it means to be the Arkansan of the Week. We could all take a few lessons from him about commitment to faith, family, and community. Jim and Mary Lou came to Arkansas because they saw it as a State that puts people first, and it is people like Jim who make that recognition a reality.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### APPROPRIATIONS

Mr. LEAHY. Madam President, first, I should note how much I agree with

the senior Senator from New Hampshire and her comments about the appropriations process. I mentioned on the floor yesterday that in the Appropriations Committee, we reported 12 bills, including the State and foreign operations bill. It passed, 30 to 0. It and the other bills have now been put on a shelf to collect dust by the House Republican leadership. We will probably never get a chance to vote on them. By doing so, by deciding to put the government on autopilot and drafting another continuing resolution instead, they will reduce by almost \$500 million the amount that the Senate provided for fiscal year 2017 for the security of our diplomats and embassies abroad. It is very similar to what the House did when they refused to support the Senate's higher amount for embassy security prior to the Benghazi attack. They didn't want to admit it, as they spent tens of millions of dollars of taxpayers' money investigating the lack of security in Benghazi, blaming everyone but themselves. It will be interesting to see if they acknowledge that they are again cutting funds for embassy security.

#### PRESIDENT-ELECT'S BUSINESS DEALINGS

Mr. LEAHY. Madam President, on another matter, I have noted for months, actually for years, in the lead-up to the November 8 election, that congressional Republicans spent millions of taxpayers' dollars to air their unsubstantiated concerns about corruption at the highest levels of our government. If they were trying to get on television doing it, we might want to take a look at what they said. They said the Clinton Foundation should be dissolved, notwithstanding the amount of good work it is doing around the world. Every action, every meeting, every activity of the Clinton Foundation should be revealed, they said. We cannot allow such a foundation to run so close to the Oval Office, they said.

So it is ironic, sadly ironic, actually it is madly ironic, that since November 8, I have heard neither a shout nor a whisper from congressional Republicans echoing the same concerns about our President-elect's personal and profitable business dealings. No outrage that the President-elect's family may charge the American taxpayers millions of dollars to rent space for the Secret Service at Trump Tower. No demand that the President-elect—the chairman and president of The Trump Corporation—dissolve the interests he owns. Today we hear how the President-elect plans to address these conflicts of interest which he calls a “visual” problem rather than an ethical one. But unless he does what I and others have called for—divest his interest in and sever his relationship to the Trump Organization and put the proceeds in a true blind trust—it is nothing more than lipservice. Until we know more about what role his family

will have, both in his business interests and the government's operation under a Trump administration, no one should consider this serious concern as addressed.

And here is the duplicity of congressional Republicans' double standard. After years of partisan witch hunts and millions of wasted taxpayer dollars investigating bogus allegations against Hillary Clinton, and by extension the Clinton Foundation, if they fail to demand the same of Donald Trump that they demanded of her, they will, as E.J. Dionne said so eloquently in his column in the Washington Post, “be fully implicated in any Trump scandal that results from a shameful and partisan double standard.”

Madam President, I am hearing from Vermonters. They are worried. They are uncertain. Some of them are scared. Congress could do a great service to all our constituents if it led by example, not just by convenient spoken platitudes that might give you a few seconds on the evening news. If my colleagues want to actually be the leaders that they claim they are, do not start by validating an offensive and dangerous double standard. Have the same standard for Republicans as you do for Democrats. You can't condemn Democrats on something but say it is perfectly okay if Republicans do it. It doesn't work that way.

Madam President, I ask unanimous consent that the column from the Washington Post of November 27, 2016, by E.J. Dionne entitled “An ethical double standard for Trump—and the GOP?” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 2016]

AN ETHICAL DOUBLE STANDARD FOR TRUMP—  
AND THE GOP?

(By E.J. Dionne Jr.)

Republicans are deeply concerned about ethics in government and the vast potential for corruption stemming from conflicts of interest. We know this because of the acute worries they expressed over how these issues could have cast a shadow over a Hillary Clinton presidency.

“If Hillary Clinton wins this election and they don't shut down the Clinton Foundation and come clean with all of its past activities, then there's no telling the kind of corruption that you might see out of the Clinton White House,” Sen. Tom Cotton (R-Ark.) told conservative talk show host Hugh Hewitt.

Presumably Cotton will take the lead in advising Donald Trump to “shut down” his business activities and “come clean” on what came before. Surely Cotton wants to be consistent.

The same must be true of Reince Priebus, the Republican National Committee chair whom Trump tapped as his chief of staff. “When that 3 a.m. phone call comes, Americans deserve to have a president on the line who is not compromised by foreign donations,” Priebus said earnestly in a statement on Aug. 18.

Priebus, you would think, believes this even more strongly about a president whose enterprises might reap direct profits for himself or members of his family from foreign businesses or governments. Priebus must

thus be hard at work right now on a plan for Trump to sell off his assets.

"The deals that she and her husband were pocketing—hundreds of thousands of foreign money," Rep. Darrell Issa (R-Calif.) told the Breitbart website, the right-wing outlet once led by the soon-to-be White House chief strategist, Stephen K. Bannon. Issa added that Clinton wanted her activities "to be behind closed doors" and "did that because she doesn't know where the line is."

We can assume that Issa will press the president-elect about the dangers of doing business deals "behind closed doors" and instruct him about where the ethical "line" should be.

And it would be truly heartening to know that Rep. Jason Chaffetz (R-Utah), a vociferous critic of the Clinton Foundation ("There's a connection between what the foundation is doing and what the secretary of state's office is doing"), plans to apply the same benchmarks to Trump.

After all, when the chairman of the House Oversight and Government Reform Committee was asked last August on CNN if Trump should release his tax returns, his answer was both colorful and unequivocal. "If you're going to run and try to become the president of the United States," Chaffetz replied, "you're going to have to open up your kimono and show everything, your tax returns, your medical records. You are . . . just going to have to do that."

I eagerly await Chaffetz's news conference reiterating his kimono policy, since he made very clear that he sees his role as non-partisan. "My job is not to be a cheerleader for the president," he said. "My job is to hold them accountable and to provide that oversight. That's what we do." Early, comprehensive hearings on the problems Trump's business dealings would pose to his independence and trustworthiness as our commander in chief would be a fine way to prove Chaffetz meant this.

Republicans did an extraordinary job raising doubts about Clinton—helped, we learned courtesy of The Post, by a Russian disinformation campaign. Does the GOP want to cast itself as a band of hypocrites who cared not at all about ethics and were simply trying to win an election?

#### APPROPRIATIONS

Mr. LEAHY. I do not see anybody else seeking recognition, but let me just say just a little bit more on these issues. Yesterday I commended my Republican colleague, Senator MCCAIN. He complained about the decision of his own party to do away with regular order in our appropriations process. He's absolutely right. We should have debated and passed those bills the way we used to do. Ten months ago that's what the Republican leadership said they wanted to do, and they are in control here. And we worked hard in the Appropriations Committee, Republicans and Democrats together, and we reported out all our appropriations bills. Hundreds and hundreds of hours of work by members, even more by their staffs.

Almost every one of these bills was bipartisan, and they passed usually by a unanimous vote or close to it. All that goes for naught. I commented about just one of these, and of course that is the State and foreign operations bill. Both before Benghazi and since Benghazi, the Republican chair-

man of the subcommittee and I have put in money, a considerable amount of money, for the security of our embassies and our personnel abroad. Rather than acknowledge their own responsibility for having cut funding for security prior to Benghazi, the House Republicans wasted tens of millions of dollars on hearings to blame the administration. Madam President, maybe double standards make for a sound bite on the evening news, especially if it sounds good and the people putting it on haven't done the research to find out what's really going on.

But it's no consolation to the men and women serving at our embassies and throughout the world to represent the American people. Oftentimes in danger, as we just saw within the last couple of days in the Philippines. It does them no good to see Congress spend tens of millions of dollars to decry the lack of security, tens of millions of taxpayers' dollars on hearings that proved nothing, to get on television for political purposes, and then scrapping the appropriations bills and supporting instead a continuing resolution that will cut funds for embassy security by half a billion dollars.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— H.R. 5963

Mr. GRASSLEY. Madam President, soon I will offer a unanimous consent request with regard to a bill that would reform and reauthorize Federal juvenile justice programs. This bill is known as the Supporting Youth Opportunity and Preventing Delinquency Act of 2016. It passed the other Chamber last month by a vote of 382-29.

The bipartisan House bill is modeled closely to one that I introduced over a year ago with the Senator from Rhode Island, Mr. WHITEHOUSE. That legislation was titled the "Juvenile Justice and Delinquency Prevention Reauthorization Act." It has 19 Senate cosponsors and cleared the Senate Judiciary Committee, which I chair, without a single dissenting vote last year. The House companion before us today also won the unanimous approval of a committee in the other Chamber before passing the House with overwhelming support a few weeks ago.

The two bills are remarkably similar in most respects, indicating their objectives. One such objective is to extend the Juvenile Justice and Delinquency Prevention Act for 5 more years. That Federal statute was last reauthorized in 2002, and it is long overdue for an update. Congress is still

funding juvenile justice programs that expired in 2007, nearly a decade ago.

I think my colleagues know of the hard work of Senator ENZI, chairman of the Budget Committee, and a program that he has of the hundreds of billions of dollars of taxpayer money we are spending that has not been authorized by the authorizing committees. So getting a lot of bills that have expired reauthorized is in the spirit of what Senator ENZI is trying to promote among the 15, 16, or however many committees we have in the Senate that don't do their work on a regular basis.

The centerpiece of the 1974 act is its core protections for youth. Over 40 years ago, Congress committed to making Federal grants available to States that observed these core protections, of which there are now four.

The first core protection discourages the detention of children and youth for extremely minor infractions, such as truancy, underage tobacco use, disobeying parents, and running away. No State would ever jail an adult; that is an important emphasis. No State would ever jail an adult for this same conduct. And research shows that nothing much positive comes out of locking up children for conduct that isn't even criminal.

The second core protection calls for juveniles to be kept out of adult facilities except in certain very rare instances. The third calls for juveniles to be separated from adults when they are held in adult facilities. And the fourth calls for States to try to reduce disproportionate minority contact in their juvenile justice system.

That is from 1974, and those goals are still legitimate goals. Under our proposed legislation, as under this current law, if a State commits to meeting these core protections for youth, it can expect to continue receiving Federal grant money to support its juvenile justice activities.

Our second objective for this legislation is to make reforms to current law so that taxpayer-supported juvenile justice programs will yield best possible outcomes. To that end, our bill reflects the latest research that works best with at-risk children and youth.

We added provisions to promote the rehabilitation of runaways who are at high risk of being trafficked. We included language to discourage shackling of pregnant juveniles during childbirth. After learning that a handful of States receiving Federal grant funds are locking up children as young as 8 or 9 for minor infractions, such as truancy, we called for a phaseout of valid court orders permitting that practice. Last but not least, we responded to concerns voiced by whistleblowers by adding accountability measures to protect the taxpayers and promote more oversight of justice reforms.

These accountability measures are something I have been working on both as ranking member of the Judiciary Committee and chairman of that committee for a long period of time, not

just on the juvenile justice program but on a lot of other programs where taxpayer money is being wasted by having different standards in some programs versus the others, particularly when the bureaucracy at the Justice Department is not policing what States do and they let the States get out. We have all kinds of GAO reports or reports from inspectors general that come back to us saying that this money to the States is not following the intent that was intended by Congress. I think all Senators assume a responsibility to make sure that taxpayer money will go as far as it can. So we worked some of those accountability issues into every bill I can get out of the Justice Department that affects these programs.

Groups such as the Campaign for Youth Justice, the Coalition for Juvenile Justice, Boys Town, Fight Crime: Invest in Kids, among many others, endorsed the legislation and contributed input. We also consulted the National Criminal Justice Association, the National District Attorneys Association, and a coalition of roughly two dozen anti-human trafficking groups that endorsed the legislation as well.

The House bill before us today includes many or most of the same provisions that Senator WHITEHOUSE and I championed, and it enjoys the support of virtually all of the same 100-plus organizations that endorsed the versions we sponsored in this Chamber. The House made a few key changes to preserve more flexibility for States.

Speaking of those 100-plus organizations, I feel a responsibility to them to work as hard as I can to get this legislation passed because they have worked so hard at the grass roots level.

Let me go back to the flexibility we give to the States that the House put in. States that object to phasing out the detention of status offenders over a period of 3 years can invoke a 1-year hardship exception. That hardship exception is renewable every year for an indefinite period, and that is at the State's option.

The House-passed measure also includes a modified version of legislation by Senators Inhofe, Casey, and Vitter in this Chamber. That language would encourage the rehabilitation of youth who are at risk because of involvement in gangs or the criminal justice system.

The House bill shouldn't be controversial, which is why we are requesting unanimous consent to have the Senate pass it today. Again, I remind my colleagues that the other Chamber passed it by an overwhelming vote in September, after the Education Committee, under Chairman JOHN KLINE's leadership, reported the measure without a single dissenting vote.

I also thank our cosponsors, which include the ranking member of the Judiciary Committee, Senator LEAHY, as well as ranking member Senator FEINSTEIN, for their support of this legislation.

Unfortunately, when we sought to bring up the Senate version by unanimous consent back in February, a single Senator objected, preventing its passage. He has objected to the language that would require States to embrace one of the 42-year core principles.

Before this Congress comes to a close, we have a great opportunity to pass an important piece of legislation to help some of the most vulnerable children and youth in the United States. But it is not only these at-risk children who would benefit due to the reforms we have included in this bill; the legislation would benefit taxpayers as well.

I see Senator WHITEHOUSE on the floor. Before I ask unanimous consent, I wish to yield to him for the purpose of his speaking on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I thank Chairman GRASSLEY.

The chairman and I have been working on this bill since 2014. What we heard from juvenile justice practitioners around the country is that a lot of the policies which had been in place for dealing with juvenile offenders were stale and ineffective and that there were better ways to do business than were currently being supported by this grant. So we have worked for years to get this program, the Juvenile Justice and Delinquency Prevention Act, reauthorized.

I see Senator COTTON on the floor, and he can speak for himself, but I think the crux of today's concerns are that the JJDPA would phase out over time—over 3 years, in fact—the ability for States to take its money. You don't have to take the money, but if you take the money, you have to phase out locking up young people—kids—for status offenses, for offenses for which an adult could not be locked up. It is simply not good practice. That is one of the reasons the National Council of Juvenile and Family Court Judges has supported this bill—they know it is bad practice. Indeed, the members of the National Council of Juvenile and Family Court Judges from the State of Arkansas support this measure.

The bill the chairman referred to that passed the House by such an astonishingly strong vote was voted for by every Member of the Arkansas delegation in the House of Representatives, and the senior Senator from the State of Arkansas supports this bill. We hope the junior Senator from Arkansas would be willing to take the legendary advice of Ben Franklin that perhaps we should doubt, each of us, a little bit of our own infallibility and give us a chance to let this bill go forward.

If Arkansas doesn't like this, there is a provision that the House put in that allows any State to declare itself outside of the provision under a self-declared hardship provision. That is an indefinite. That is not a 3-year phase-

in; that is indefinite. So if the Arkansas courts really want to lock up juveniles for status offenses that no adult could be locked up for, all they have to do is declare under that provision. They may or may not want to do that. The fact that every other member of Arkansas' delegation in Congress appears to support this and that the family court members from the council appear to support it suggests that may not be the case.

In any event, we would like the ability to go forward. We are prepared to move this bill right now. I would be delighted to join the chairman of the Judiciary Committee in his motion for unanimous consent that the bill be adopted.

I would add for the record that these law enforcement leaders in Arkansas have expressed their support for the bill: Chief Alcon of the Mayflower Police Department; Chief Benton of the Ward Police Department; Chief Coffman of the Judsonia Police Department; Chief Harvey of the Lowell Police Department; Chief Kizer of the Bryant Police Department; Chief Lane of the Benton Police Department; Chief Reid of the Glenwood Police Department; Chief Sims of the Dardanelle Police Department; and Sheriff Sims of the Lafayette County Sheriff's Office.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I see my colleague from Arkansas on the floor. He is right so many times; I am sorry that we disagree on this issue. I don't believe the Senator will make me wrong on that point, but I do want to respect his right. He is such a good legislator.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 649, H.R. 5963. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Madam President, reserving the right to object, I share mutual esteem with the Senator from Iowa. I hate to find myself on the opposite side of an issue with him. We had this conversation in February as well, almost 9 months ago.

There are many fine provisions in this legislation, as the chairman of the Judiciary Committee outlined, including his legendary work on holding agencies and recipients of Federal funds accountable and working with the GAO to ferret out fraud and abuses.

My objection to this legislation is very specific. It is not, as the Senator from Rhode Island said, about the jailing of juveniles for so-called status offenses; that is, for something a juvenile would do—such as smoking cigarettes, running away from home, skipping school—that wouldn't be a crime

if you were 18 years old. So for all these young pages down here who are not supposed to be smoking cigarettes, the law currently says you cannot put them in jail for smoking cigarettes—and you shouldn't smoke cigarettes regardless. However, if a juvenile goes before a juvenile judge and the juvenile judge issues a valid court order and tells him "Don't smoke any more cigarettes, don't skip school, and don't run away from home" and that juvenile flaunts the authority of the judge, that judge needs some mechanism to enforce his orders. That is no longer a status offense; that is contempt of court. In my many conversations with Arkansans—be it judges, prosecutors, parents, or public defenders—they have said repeatedly that the judge needs that authority to get the attention of that juvenile delinquent.

I want this legislation to pass, as I said 9 months ago in a colloquy with the Senator from Rhode Island. I thought we had an agreement worked out about a provision on the inherent authority of judges. It didn't work out, but we worked together in good faith on it. On multiple occasions, I worked with the chairman of the Judiciary Committee to resolve some of these issues.

Some activists say that we shouldn't do this to kids who are so young, so I proposed an age floor in the teenage years. Some say they might be corrupted or hardened by even more hardcore juvenile delinquents in a detention facility. I said let's impose a separation requirement. Some activists have said that they could be detained indefinitely. I said that is fine too; let's put a time limit on how long they can be detained. But repeatedly we have been told this legislation cannot be changed.

I would submit to the Senate that these are all small, reasonable changes that would allow this legislation to move forward quickly in the Senate here in these final couple weeks and again on the suspension calendar in the House of Representatives. But when Arkansans have specifically passed justice reform legislation in recent years in our legislature and they retained this authority of juvenile judges not to detain delinquents for their status offenses but because they disobeyed a valid court order, I don't think we in Washington should dictate a single one-size-fits-all solution for every State in the Union.

This legislation or legislation like it has come before the Senate multiple times in recent years, and every time it is hung up on this specific issue. I want to protect Arkansas' interests. I want to ensure that judges can enforce their own orders. I want to do what is best for the people of my State and our criminal justice system. I also want to pass this legislation. So I would offer to both proponents of this legislation that we continue to try to address some of these proposals I have made, but until then, I am going to have to, regrettably, object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Madam President, I am disappointed that the Senator from Arkansas continues to impose the only remaining roadblock to passage of this critical piece of legislation.

Back in February, Senator COTTON indicated a willingness to work with Senator WHITEHOUSE and me to resolve our sole point of disagreement. Senator CORNYN tried to resolve our differences as well. As you can see, we are still at an impasse.

Our disagreement stems from a 42-year-old provision of the federal juvenile justice law that encourages States to phase out the detention of children who commit infractions, such as running away from home, skipping school, disobeying parents, or underage tobacco use. This statutory provision—which has been on the books since 1974—extends a "carrot" in the form of Federal grant funds, to any State that commits to deinstitutionalizing juveniles who commit extremely minor infractions, also known as "status offenses."

The reason for this core protection is simple: Locking up children for conduct, like running away or underage tobacco use, which could never, ever result in an adult's being jailed, defies logic and common sense.

For example, when you lock up a child for truancy, you ensure that the child will miss even more school and fall even further behind in schoolwork. At the same time you have done little, if anything, to resolve the underlying issue that led to the truancy. Similarly, very little is accomplished by locking up a repeat runaway who is being abused at home.

I urge my colleague to consider what happens when a judge sends an especially young child, who has committed the most minor infraction, known as a "status offense," in juvenile detention with hardened or violent offenders. That young child, who has committed no crime whatsoever, is particularly vulnerable to abuse by older juveniles in detention.

Consider, too, that some of these children come from broken homes or have mental health issues. They are among the most vulnerable members of our communities and need our help. They don't need to be dumped in a detention facility where they will be exposed to violent criminals who have committed much more serious crimes than skipping school.

In the decades since 1974, Congress made good on its pledge to appropriate resources for every State that committed to fulfill the core requirements under the federal juvenile justice statute. About half of the States, recognizing that the detention of status offenders is mostly ineffective and tremendously costly, have made good on their commitment under this grant program. These States have phased out the practice of locking up status offenders entirely.

In another couple dozen States, judges invoke the "valid court order" exception sparingly. The exception is just that, an exception to be invoked only rarely. Status offenders end up in detention only occasionally in these states.

But in a tiny handful of States, some judges send status offenders to detention much more regularly. It has been reported that some of the children in detention for status offenses in one state are as young as 8 or 9. Juvenile advocates have charged that some judges are sending status offenders to detention as a general practice, which has led to calls for reform.

The Arkansas legislature has chosen to retain the option of jailing children for status offenses as a last resort option. This bill does not change that. This bill is not a mandate that would override the State's law. It merely lays out conditions for receiving Federal grant money. Arkansas is still free to not comply with the conditions set forth in this legislation.

I want to remind my colleague that over 100 nonprofit groups, numerous judges, and about 1000 law enforcement officers support this legislation. They agree that detaining child status offenders is not good public policy, based on significant research that points to the same conclusion.

I would also remind my colleagues that judges have multiple other options to hold these juveniles accountable. The other options include, for example, suspending the juvenile's driver's license, imposing fines, or ordering the juvenile into counseling, with or without parents. Counseling and other community-based alternatives not only cost much less, but are more effective than locking up children alongside violent criminals, research suggests.

This one issue is holding up a bill that is vital to help the children in our country.

Once again, I would like to point out that this legislation does not affect State law in Arkansas. We are merely imposing conditions to receiving Federal grant money. If this bill passes, which I hope will happen today, Arkansas is free to continue to invoke "the valid court exception." So I ask that the Senator lift his hold on this critical piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### STOP DANGEROUS SANCTUARY CITIES ACT

Mr. TOOMEY. Madam President, I have spoken before on the floor about the tremendous dangers that arise from cities across America that choose to be sanctuary cities. Recent events compel me to come back to the floor today.

Just this week, Federal law enforcement officers finally found Winston Enrique Perez Pilarte. Pilarte was an illegal immigrant from the Dominican

Republic. In July of 2015, a little over a year ago, Philadelphia police arrested Pilarte, a 40-year-old man, for the rape of a child. He had previously been convicted of drug trafficking, resisting arrest, and theft—convicted, sentenced, and went to jail—but he was released and rearrested. In 2015, when he was rearrested, he managed to raise the money necessary for bail. When the background check was done, Federal law enforcement asked the city of Philadelphia to hold him temporarily, after he had raised the money for bail, rather than simply releasing him—to hold him temporarily so they could pick him up and begin deportation proceedings. The city refused to cooperate, and they instead released this dangerous, previously convicted man who was here illegally, released him back onto the streets of Philadelphia. Pilarte roamed the streets of Philadelphia for a full year, doing who knows what, until just this week when Federal officials managed to find him and took him into custody.

Consider the case of Jose Palermo Ramirez. In 2013 this 43-year-old illegal immigrant was convicted of indecent assault on a 7-year-old girl. Federal immigration officials asked the city in this case to notify them when Palermo Ramirez completed his sentence and prior to his release so they could pick him up and begin the deportation proceedings of this person who was here illegally and obviously a dangerous and convicted criminal, but the city refused. Instead, they released this convicted child molester back out onto the city streets. Luckily for Pennsylvania families, Federal law enforcement officers were able to find and deport him, despite the lack of help from the city.

Maybe the most heartbreaking story is that of Ramon Ochoa. Ramon Ochoa is a Honduran immigrant who came here illegally in 2009. He was caught and he was deported. He found his way back into the United States and managed to get to Philadelphia. Last year Philadelphia police arrested him, and they had him in custody on charges of aggravated assault, making terrorist threats, resisting arrest, and harassment.

Again, when the background check was done, Federal law enforcement officials realized they knew who this was. He was here illegally, he had been deported previously, and he was violent and dangerous. They asked the city to cooperate with them so they could pick him up and begin deportation proceedings. Once again, Philadelphia refused. Instead, they released him back onto the city streets, where he continued to prey on others, and just 4 months ago, Ochoa was arrested, this time for raping a child under the age of 13.

How can this possibly happen? How can this possibly happen, that a city would knowingly, willfully, and repeatedly choose to release dangerous criminals, including child molesters who don't even have a right to be in the

United States in the first place because they came here illegally? It is just unbelievable, but this is what is happening, and it happens because Philadelphia is a sanctuary city. Let's be clear about what that means. That means it is the legal policy of the city of Philadelphia to forbid local law enforcement from even cooperating, even sharing information with Federal immigration officials when the person in question came here illegally. In many cases, we confer this special legal privilege on dangerous, violent criminals because they came here illegally. It is unbelievable.

This isn't the police's fault. Police would much rather be cooperating with Federal immigration officials. They are not allowed to because local politicians in cities across America have decided they will not allow it to take place. This is absurd. This is very dangerous, and small children in my State are paying the price for this.

This is why earlier this year I introduced legislation, which is called the Stop Dangerous Sanctuary Cities Act, and it would solve this problem. It does it with two components. The first is to eliminate the perceived, and understandably perceived, legal liability that communities have, municipalities have, and here is the nature of their concern. There is a court order that says if the Department of Homeland Security issues a detainer request—the request that you detain a person who is here illegally that they believe is violent—and you comply with that request, you detain the person, and it turns out the Department of Homeland Security had the wrong guy, the concern on the part of our municipalities is they can be sued for that.

My legislation solves that problem. It says: In a case like that, where a municipality complies with a bona fide detainer request, if the person is wrongly held and they have a cause of action they can take, they can do so, but that has to be against the Federal Government. It has to be against the entity that asked for the detainer.

That makes perfect sense, and it completely eliminates any legal liability on the part of the municipality that would then cooperate with these detainer requests and information requests. That is the first part, eliminate any danger of a legal liability.

The second part is, if a city, nevertheless, chooses that it wants to be a sanctuary city, then we should withhold some of the Federal funding we currently send to these cities. Specifically, my legislation would withhold community development block grants—very cherished by the city governments all across America—if they choose to endanger all of us by continuing to be sanctuary cities.

We had a vote on this. Last summer we had a vote. A majority of this body voted in favor of my legislation to bring an end to sanctuary cities this way, but unfortunately we didn't have the 60 votes we needed to overcome Senator REID's filibuster on this.

I am suggesting we revisit this because these appalling crimes are continuing to be committed, as of course they will, if cities keep releasing violent criminals back out onto our streets. In the meantime, I will suggest there is something that President-Elect Trump can do when he becomes President, and that would be he could issue an Executive order which would, I think, significantly limit dangerous sanctuary cities.

Let me be clear. The Executive action he could legally pursue would not be permanent. I don't think it would be as effective as the legislation I have introduced. It wouldn't have the legal force of a new law, but it would be a good start, and it would be fully consistent with his constitutional powers. That would be progress. I think it is very clear that we have to act.

How important is the rule of law to all of us? How important is the safety and security of the American people? How important are the childhoods of the victims we are hearing about repeatedly as recently as just this week? To me, the answer is clear. These are very important priorities, and we need to act. While we await the opportunity to enact this legislation, I hope our new President will take the Executive order steps he can to at least diminish this problem.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to use the time that I may require and that following my remarks, Senator CASSIDY and Senator MURPHY be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SEVIER COUNTY, TENNESSEE, WILDFIRES

Mr. ALEXANDER. Mr. President, I come to the floor to speak on two matters. The first is the matter of wildfires in Tennessee.

Anybody who has been watching television the last few days has seen the devastation caused by the runaway wildfires just outside the Great Smoky Mountains National Park in Gatlinburg, TN. We are not used to that in Tennessee. I know we have debates on the floor, and we have colleagues who see the fires in the West where it doesn't rain much, a few inches of rain a year, but in the Great Smoky Mountains where I live—I live just outside of the park—we have 80, 83 inches of rain a year. We have dense forests, and this time of year the leaves are all over the ground, and usually there is a lot of rain to tamp that down.

For the last few months, we have not had rain, and so the forest floor is like a tinderbox. On Monday, in the chimney tops area of the Great Smoky Mountains National Park, a fire started—maybe it was a campfire—and then winds as high as 80 to 90 miles an hour came and swept the fire through the park and into the resort town of Gatlinburg.

There were stories of firefighters getting back in their trucks to avoid the bears who were fleeing the fire. There were stories of cars catching fire as motorists drove to escape the fire. A couple from Alabama said they watched their windshield wipers melt on the car as they drove down the mountain. At least four people have been killed and others are missing. Fortunately, by now the fires have been pretty much put out. There were no fire outbreaks that were new in Pigeon Forge, which is nearby. Gatlinburg had some more fire outbreaks, but the rain that fell last night helped to put most of those out. The small town of Gatlinburg, a picturesque community on the edge of the Smokies where people have vacationed and have gone for their honeymoons, had to evacuate 14,000 citizens.

The Red Cross in addition to other independent groups operated six shelters. The mayor of Gatlinburg told people that his home burned up in 15 minutes. The city manager's home burned down. We have had a tremendous response from the Governor of our State, Governor Haslam, who was on the spot the next day with many of his State officials. There were 400 firefighters and more than 100 firetrucks that came from all parts of Tennessee. There were National Guardsmen and highway patrolmen. The Governor said they haven't seen a fire like that in Tennessee in 100 years. As I said, 14,000 citizens have been evacuated.

This is a heartbreaking story for all of us who know and love the Great Smoky Mountains and the people who live near there. I want the residents in Sevier County, Gatlinburg, and that area to know that Senator CORKER and I—and all of us in the Federal delegation—will do whatever we can appropriately do to help. That starts with helping pay for 75 percent of the cost of fighting fires, and, after that, cooperating with Governor Haslam as the State looks for ways to help individuals who might be hurt by this.

I know the mayor of Gatlinburg, the city manager, and Larry Waters, the county mayor, would want me to say that this is a resilient town and resilient people, and they are going to be fine, but it is going to be tough and hard. Fire always is. But Dollywood will be open at 2 p.m. on Friday, and people will be coming back. They have about 10 million people visit the Great Smoky Mountains National Park every year. We don't want people to stay away, but I do want the people of Gatlinburg and Sevier County to know how much we care for them and how

determined we are to help them help themselves so they can get back on their feet.

#### 21ST CENTURY CURES BILL

Mr. ALEXANDER. Mr. President, the second subject I came here to talk about is the 21st Century Cures Act and the mental health legislation, both of which are being debated in the U.S. House of Representatives. There will be a vote on that legislation this afternoon at about 5:30.

This is legislation that has the strong support of the President of the United States, the active support of the Vice President of the United States. House Speaker RYAN has said that it is an important part of his agenda for health care for the future, and the majority leader, Senator MCCONNELL, has said he believes it is the most important piece of legislation Congress could enact this year. One reason it has been successful is that it has been so bipartisan in its making, both in the House and in the Senate.

Let me begin by thanking President Obama and Vice President BIDEN for their strong support and their interest. The President supports precision medicine—the idea of personalized medicine. For example, if the Senator from Pennsylvania and I each have the same disease, we might not take exactly the same medicine because our genetics might be different. We now know enough about it that if we can help doctors have that information, they can prescribe medicines that will help us live longer.

The President and the executive office of the President have issued a Statement of Administration Policy that is one of the strongest I have seen. I hope it persuades both Republicans and Democrats to be supportive of this legislation.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Statement of Administration Policy be printed in the RECORD.

Mr. President, I mentioned the bipartisan nature of the legislation, and I will give two examples of that. My two colleagues, who are on the floor, will give the second example, which is the mental health bill.

This has been complex, no doubt about it. Yesterday I spoke at length on the floor about that. I ask that my colleagues recognize the core of this legislation, which is the following: There were 19 different bills that went through the Senate's Health, Education, Labor, and Pensions Committee—22 Members of the Senate. After many hearings, the largest number of recorded votes against any of those 19 bills was 2. We have a very diverse committee. We have some of the most liberal Members and some of the most conservative Members, and we were able to work out 19 bills that are the core of this legislation on a complex issue like this, and the largest number of votes recorded against any of the 19 bills was 2.

Secondly, every single one of those 19 bills but one had a Democratic sponsor and a Republican sponsor—usually more than one.

In addition to that, there is money attached to the bill. That is very unusual because this is an authorization bill, but the House did it, and we did it as well. We recognized the importance of this to the American people, and we did it in a fiscally responsible way. It is \$6.3 billion. It doesn't add a penny to the overall budget because for every increase in the discretionary budget, we reduced the same amount in the mandatory budget.

What is the funding for? The National Institutes of Health will get \$4.8 billion for research on urgent matters; \$1.8 billion for the Cancer Moonshot that the Vice President is leading; \$1.4 billion for precision medicine; \$1.6 billion for the BRAIN Initiative, including Alzheimer's; and then \$1 billion for State grants to help States fight the opioid abuse epidemic. That money has been accelerated so that all of this money is spent in the first 2 years and all of the Cancer Moonshot money is spent in the first 5 years. Speaker RYAN arranged for this money in the following way: While it has to be approved each year by the Appropriations Committee, it cannot be spent on anything other than what it has been designated for. So that \$1 billion can be spent only on opioid abuse.

I cannot imagine that the House of Representatives, if it overwhelmingly passes the 21st Century Cures bill in a vote, will not complete its promise to spend \$1 billion on opioid abuse this year and next year. I cannot imagine the U.S. Senate, which I also expect will approve this by a large vote, doing the same. I also can't imagine Democrats and Republicans going home and having to explain why they would vote no on \$1 billion worth of State grants for opioid money when all year we have been talking about what an urgent epidemic it is or having to explain why they voted no for \$1.4 billion for Cancer Moonshot when so many advances are being made or voting against \$1.4 billion for precision medicine when the President so eloquently made the case of why it is important or \$1.6 billion for the BRAIN Initiative at a time when Dr. Francis Collins, the head of the National Institutes of Health, tells us that we are close to identifying Alzheimer's before there are symptoms and we could have the medicine that will permit us to retard its progression. Think of the grief that will save millions of families. Think of the billions of dollars that will save for our country.

This bill has had the participation of dozens of Members of the U.S. Senate but none more effective and important than the Senator from Louisiana, Mr. CASSIDY, and the Senator from Connecticut, CHRIS MURPHY. Even though they are both relatively new to the Senate, they have taken the mental health bill and navigated landmines as

if they have been here 25 years. They have worked across the aisle with each other, and they have worked with Democrats and Republicans in the House of Representatives to produce a bill that passed overwhelmingly in the House and will be added to the bill today by amendment. It has also been approved by our Health, Education, Labor, and Pensions Committee here, and I thought it would be helpful today—and an example of the bipartisan support for the bill—to ask Senator CASSIDY and Senator MURPHY to describe the mental health bill.

Senator MCCONNELL says the 21st Century Cures bill is the most important piece of legislation that Congress will enact and pass this year. I believe that the mental health bill, which has three parts that we will enact this year—a part from our committee and part from judiciary—is the most significant piece of mental health legislation in terms of reforms of programs that the Congress will have passed in more than a decade.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT  
AND BUDGET,

Washington, DC, November 29, 2016.

STATEMENT OF ADMINISTRATION POLICY  
HOUSE AMENDMENT TO THE SENATE AMENDMENT  
TO H.R. 34—21ST CENTURY CURES ACT

The Administration strongly supports passage of the bipartisan House Amendment to the Senate Amendment to H.R. 34, the 21st Century Cures Act, which dedicates more than \$6 billion to implement key priorities such as the President's proposal to combat the heroin and prescription opioid epidemic; the Vice President's Cancer Moonshot; and the President's signature biomedical research initiatives, the Precision Medicine and Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiatives. It also takes important steps to improve mental health, including provisions that build on the work of the President's Mental Health and Substance Use Disorder Parity Task Force, and includes policies to further modernize the drug approval process.

The legislation includes \$1 billion over two years, including \$500 million in Fiscal Year 2017, to combat the prescription opioid and heroin epidemic, consistent with the President's budget request. More Americans now die every year from drug overdoses than they do in motor vehicle crashes, and the majority involve opioids. The opioid epidemic is devastating families and communities and straining the capacity of law enforcement and the healthcare system. The resources included in the bill will allow states to expand access to treatment to help individuals seeking help to find it and to start the road to recovery, with preference given to states with an incidence or prevalence of opioid use disorders that is substantially higher relative to other states.

The Administration is committed to taking immediate action to lay the groundwork to ensure that the funds in the bill would be disbursed quickly and effectively so we can begin to address these important public health challenges.

The bill also includes \$1.8 billion, including \$1 billion over the next three years, to support the Vice President's Cancer Moonshot. The Moonshot aims to accelerate research efforts and make new therapies available to more patients, while also improving our ability to prevent cancer and detect it at an

early stage. The resources in this legislation will support investment in promising new therapies like cancer immunotherapy, new prevention tools, cancer vaccine development, novel early detection tools, and pediatric cancer interventions. As the Vice President and scientific experts have said, we are at an inflection point in cancer research and this investment could help seize this opportunity.

The legislation also dedicates support for other key research initiatives. In 2013, the President launched the BRAIN Initiative with the goal of helping researchers find new ways to treat, cure, and prevent brain disorders, such as Alzheimer's disease, epilepsy, and traumatic brain injury. In 2015, he launched the Precision Medicine Initiative to pioneer a new model of patient-powered research that promises to accelerate biomedical discoveries and provide clinicians with new tools, knowledge, and therapies to select which treatments will work best for which patients. The bill creates dedicated funding of \$1.5 billion for the BRAIN Initiative and \$1.4 billion for the Precision Medicine Initiative to continue these signature Presidential Initiatives, which have broad bipartisan support, over the next decade.

The legislation also includes bipartisan mental health reforms. These include a renewed emphasis on evidence-based strategies for treating serious mental illness, improved coordination between primary care and behavioral health services, reauthorization of important programs focused on suicide prevention and other prevention services, and mental health and substance use disorder parity provisions that build on the work of the President's Mental Health and Substance Use Disorder Parity Task Force.

In addition, the bill takes multiple steps to further the progress made in this Administration in improving the drug development process. It enhances the ongoing efforts to better incorporate patients' voices into the Food and Drug Administration's (FDA) decision-making processes; supports FDA's efforts to modernize clinical trial design; and improves FDA's ability to hire and retain scientific experts. The legislation includes strong protections for individuals' health data, as well as provisions preventing unnecessary restrictions on the sharing of health information technology data with patients and providers.

There are also provisions in the bill that raise concerns, but that have been modified from previous versions to help address concerns, such as provisions that allow for the marketing of drugs to payors for off-label uses. In addition, a number of effective dates will be challenging to meet, especially without additional administrative funding. The requirement to sell additional inventory from the Strategic Petroleum Reserve, when added to the sale requirements of the Bipartisan Budget Act and the FAST Act, continues a bad precedent of selling off longer term energy security assets to satisfy near term budget scoring needs.

That said, this legislation offers advances in health that far outweigh these concerns. As such, the Administration strongly supports passage of the House Amendment to the Senate Amendment to H.R. 34, the 21st Century Cures Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I thank Senator ALEXANDER for yielding and for his leadership, and I thank Senator MURRAY for her leadership. I thank Senator MURPHY for his cooperation and collaboration in passing this legislation.

I will speak to mental health as Senator, a doctor, a family member, and as a friend of those with mental illness.

Because of these different hats, passing comprehensive mental health reform has been a priority since day one. Senator CHRIS MURPHY and I introduced the Mental Health Reform Act in 2015, shortly after arriving in the Senate. Since then, Senators ALEXANDER and ranking member MURRAY have made mental health reform a priority, and I thank them once more for their vital work to include the provisions the four of us introduced in the Mental Health Reform Act of 2016 in the 21st Century Cures Act.

In some way, everyone is affected by serious mental illness. This is not a partisan issue. It crosses any division of age, gender, demographics, and certainly political party. If I go to a townhall meeting in Louisiana in an area that is not so wealthy and speak of the need to address mental health, heads nod yes. If I go to another townhall meeting in another area that is very wealthy and mention the need to address mental health, all heads nod yes. Everyone nods their head yes because mental health is an issue in the back of everyone's mind.

Earlier I mentioned that everyone has a family member or friend who has a serious mental illness—maybe not, but it might be that person whom you went to high school with and her life turned out far differently. Perhaps her marriage broke up, perhaps her children are in foster care, or perhaps she is homeless. If you think—not even hard—that person will come to your mind. The largest problem affecting Americans with serious mental illness is lack of access to care.

Just a few weeks ago, I spoke to a neuropsychologist in Baton Rouge, Dr. Paul Dammers. He said he sees 15 to 20 patients a day and is booked up to 6 months in advance. If your loved one is having a mental health crisis, they should not have to wait 6 months to receive treatment. He stressed the significance of the barrier to treatment posed by the shortage of mental health professionals. Thank God for Dr. Dammers and for all the work he and the other mental health specialists do to help those with mental illness return to wholeness, but they need help. Access delayed is access denied, and access is hampered by a shortage of mental health providers and too few beds for those with serious mental illness who need to be hospitalized. Too often patients cannot get the care they need, and too often they have a long delay between diagnosis and treatment. Without appropriate treatment options, prisons, jails, and emergency rooms become the de facto mental facility.

Sheriff Greg Champagne from St. Charles Parish, LA, and past President of the National Sheriffs' Association quotes a statistic that sheriffs are the No. 1 providers of mental health services in any parish or county in the

country. Incarceration has become our top mental health treatment strategy. More than three times as many mentally ill are housed at any one time in prisons and jails than being treated in hospitals.

Now, it is clear it is time to fix our broken mental health care system. The 21st Century Cures Act provides incentives to build an adequate and skilled mental health workforce to expand access to mental health care, providing quick and effective diagnosis and treatment. Our goal is that the person who has her first psychotic episode when she is 18 will be restored to wholeness so that when she is 50, she looks back upon that as a distant memory but not as a life-defining event.

This bill also addresses privacy issues that keep some patients from receiving the best treatment possible. As an effect of the government regulation HIPAA—an important law protecting patient privacy—nonetheless, when it comes to a patient with mental illness as an adult, the doctor feels as if she or he is not allowed to share vital information for their care with a third party, even if that third party is their caregiver. A woman I went to high school with has an adult son with serious mental illness, and she relates that she is the one who brings him to the hospital and she is the one who gives him his medicines. Yet, when he is discharged, she is not told what medicines he takes. She is not told when he takes them, and she is not told when to bring him for follow up.

Privacy is important, but when government regulation gets in the way of a doctor and a patient and a family trying to make sure their loved one is cared for, something needs to change.

This legislation also provides incentives to build an adequate and skilled mental health workforce but also to train that workforce to better understand these rules of disclosing patient information. This allows doctors to better serve their patients and ensure they are getting the proper care they need. It also—again, as a physician, this next provision just matters so much to me—promotes access to services through the integration of primary and behavioral health. Right now, if someone with a serious mental illness goes to see their psychiatrist and the psychiatrist notes that their hypertension is out of control and she wants to send the patient down the hallway to see her colleague, the family practitioner, the Federal program won't pay for that. She refers the patient to the emergency room instead. Conversely, the family practitioner treating the hypertension knows that the patient is psychotic. They are not allowed to send the patient down to the psychiatrist on the same day.

Now, in private insurance programs, this is not an issue. It has only been an issue in Medicaid. This law begins to change that. I will note that patients with psychiatric illness die 20 years younger than do patients who have a

physical illness but do not have a psychiatric illness. We must do better by those with serious mental illness.

Another thing this bill does is to establish a grant program focused on intensive early intervention for children who demonstrate the first signs that may evolve into serious mental illness later in life. Drs. Howard Osofsky and Joy Osofsky of the Health Science Center in New Orleans did research after Hurricane Katrina and found that you can detect from ages 0 to 3 evidence of a child who may have a problem with mental illness later in life. This bill provides grants for early intervention for the infants and children, which will address the effects of trauma and the adverse experiences that up to 10 to 15 percent of children under the age of 5 have. A second grant program supports pediatricians consulting with mental health teams. This is modeled after successful programs in Massachusetts and Connecticut.

This legislation does many important things to change how we treat mental illness. By expanding access to mental health resources, clarifying the rules on disclosure of patient information with family caretakers, and integrating primary and behavioral health, the 21st Century Cures Act will begin to fix our broken mental health system and prevent more people affected by mental illness from being denied the care they need.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I wish to thank Senator CASSIDY and Senator ALEXANDER for being such amazing partners in bringing this legislation from its introduction last summer to the floor of the House and soon to the floor of the Senate. I will say a little bit more about them and their teams, but it really has been a pleasure. I have learned a lot, especially from Senator ALEXANDER, about how to overcome some tough obstacles and pitfalls while bringing something this big and this meaningful through the process.

I accept the premise that there is something fundamentally broken about the way things work here in Washington, DC. Cable news fame and getting ready for the next election all matter way too much here, and it means that there are a lot of big issues, like immigration reform and entitlement reform and infrastructure, that don't get done because politics get in the way. But there are, frankly, a lot more breakthroughs that happen here than most Americans know about, and a lot of them happen on the HELP Committee. There are, more often than one would think, moments where politics get put to the side or temporarily squeezed out of the way and something really important happens here. This is one of those moments.

Senator CASSIDY really explained the contours of this bill very well. So I want to provide just a little bit of the context for it. I have been working on

this issue of mental health since I was 25 years old, in the Connecticut State legislature, and I ran for Congress in part because I knew that I couldn't fix what was broken in Connecticut's mental health system without addressing the myriad of Federal funding sources, laws, and regulations that create today what is kind of currently a dystopian web of uncoordinated, misaligned behavioral health care in this country.

The consequences of this failed health care system are all around us, and they are just increasingly impossible to ignore. Senator CASSIDY spoke about some of them. But it is personal because every single one of us knows someone in our family or our next door neighbor who suffered from a serious mental illness and failed to get the care they need. All of us recognize that this suicide crisis is spiraling out of control. We have seen a 25-percent increase in suicides in just the last 15 years. When we visit our hospitals, no matter what State we are in, we all notice that one of the major building campaigns that is happening is additions to the emergency departments to take care of this tsunami of mentally ill patients who are walking into these ERs because they have absolutely nowhere else to go.

Lastly, for as much back-patting as we have done for ourselves in the last 50 years because of our decision to close mental institutions all across the country, we have essentially just recreated these institutions all over again. They are now called prisons. A recent article in the Boston Globe by the now famous Spotlight investigative team found that prisoners in that State essentially had to self-mutilate themselves in prison in order to get any mental health care. The Spotlight team concluded that "there may be no worse place for mentally ill people to receive care than prisons." Yet we have essentially decided in this country to exchange the old insane asylums for new ones.

Mainly, though, I stay awake thinking about a meeting that I had earlier this year with moms—with a bunch of mothers in West Hartford, CT. These were moms that were at their wit's end. They were fairly affluent. They were well educated. They had learned the ins and outs of this broken system. Yet they still had no answers about what to do with their deeply mentally ill children. Many of them were adults. So, technically, they were not under the supervision of their parents any longer. They were petrified—petrified that their kids would end up in those prisons or, worse, that they would end up dead because there was no way for them to find proper care for their children's mental illness. These moms told the story dozens of times, courageously so. They wept and they trembled with me as they were telling these horror stories.

Yet, of course, for all of the disaster that exists in our under-resourced, uncoordinated behavioral health system,

there is lots of hope. Why? Because recovery is possible. Check that, actually. It is not possible, it is actually probable, if you can find the right therapy, the right set of supports, and perhaps the right set of medications needed.

Over the last 20 years of public service, I have met plenty of people who have beaten this disease, who have trained their minds to work differently, and who are leading full and happy lives. The simple problem is that the resources here are just too far out of reach and sometimes nonexistent for millions of constituents living with mental illness.

So that brings us to this moment and how this place actually does work for good sometimes. Two years ago, I approached Senator CASSIDY right here on this very floor, just days after his swearing in, and I told him that I had heard that when he was a House Member, he would come to hearings on mental illness in the House with a dog-eared, wornout copy of a book called "Crazy" by Pete Early. I don't agree with everything in that book, but it is a story of a father who had the same story to tell as all of those moms in West Hartford. I asked Bill if his enthusiasm for this book meant that he was interested in working on mental health policy, and he said: Absolutely. For the next 6 months, he and I worked together to meet with everybody we could find, both nationally and in our States, who could tell us what was wrong with our mental health system, and we decided to do something big.

A lot of us work with Members of the other party on small bills. They are meaningful pieces of legislation, but they are kind of one-offs. They fix one problem here or there. We decided to write a big, sweeping bill—one that would tackle as many problems in the behavioral health system as we could all at once. We had a head start because of our friend in the House of Representatives, Representative TIM MURPHY, had already introduced a comprehensive reform bill. So in August of that year, after hundreds of these meetings and forums, we introduced our own version of TIM MURPHY's bill—the Mental Health Reform Act. Today, about 16 months after introduction, the House is going to pass this bill as a major component of the Cures package, as Senator ALEXANDER said. My hope is that we will have a bipartisan vote here some time very soon.

Senator CASSIDY and I will be the first to admit that it doesn't come close to solving all the problems that people with mental illness confront. Most importantly, it doesn't include new Medicaid or Medicare money to address some of these huge shortages that patients and families face. But it does require insurance companies to stop discriminating against people with mental illness by rejecting claims for mental health at a rate that is much higher than they do for physical health. This strengthening of our Na-

tion's mental health parity law is probably the bill's most important provision in my mind. I am convinced it is going to result in hundreds of millions of dollars in new care for people with mental illness. I wish to thank Senator ALEXANDER and Senator MURRAY for supporting this provision, even though it was at times controversial.

The bill also elevates the place of mental illness within the Department of Health and Human Services by creating a new assistant secretary who is going to oversee all of this funding that often is done in a really uncoordinated way. It creates new programming to assist young children who show the first signs of mental illness. We get at it early. It reauthorizes important suicide prevention programs that have been shown to work, and it clarifies that parents don't need to be totally cut out of their adult child's care—that doctors can share information with parents if it is in the best interests of the patient to do so.

Frankly, that is just the tip of the iceberg. Senator CASSIDY went much deeper. There are a lot of other provisions in this bill that will make it less likely that people with mental illness face continued barriers to care.

Over the past 2 years, this bill has faced a lot of uncertain moments, and that is where Senators ALEXANDER and MURRAY come in. They have really helped us navigate through some tough waters. I give a lot of credit as well to Senator CORNYN. Senator FRANKEN contributed a big section of this bill that reforms the way the mentally ill are treated in the criminal justice system. Senator CORNYN, in particular, helped us overcome a major hurdle in this bill this fall.

Finally, I just want to thank all of the staff people who have worked on this. I want to thank Brenda Destro in Senator CASSIDY's office. I want to thank Mary Sumpter Lapinski and Laura Pence in Senator ALEXANDER's office; Evan Schatz, Nick Bath, and Colin Goldfinch in Senator MURRAY's office. First and foremost, I want to thank Joe Dunn in my office, who in many ways is the parent of this bill from beginning to end, and all the people in our office who worked underneath him.

When and if the Senate approves this bill and the President signs it into law, maybe the most important thing that will happen here is that we will show that this place can work together to address a big problem that really has no partisanship to it. Mental illness doesn't care if you are a Republican or if you are a Democrat. Mental illness doesn't care if you voted for Hillary Clinton or Donald Trump, and it doesn't care if you think you are not the kind of person who could suffer from mental illness. It doesn't discriminate. Yet we do. We continue to push those with mental illness into the shadows. Our unwillingness to fund the better coordinated care system that we know we need is a clear message to

these patients that they are something less inside our health care system.

That begins to change with the passage of this legislation. I think, accurately described by Senator ALEXANDER, it is probably the most significant piece of mental health legislation we have passed in over a decade. I can say that maybe there is nothing I have worked on in my 20 years of elected office of which I am more proud. I commend this bill to all of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, once again, I want to thank Senator MURPHY and Senator CASSIDY for their exceptional passion, leadership, and professionalism on a big issue. We all will have a chance to support their work when the bill comes over from the House on Monday as a part of the 21st Century Cures legislation.

I want to reiterate what Senator MURPHY said about Mr. CORNYN, the Senator from Texas. He played a key role in developing parts of the legislation that came through the Judiciary Committee and he, like Senator MURPHY and Senator CASSIDY, had to negotiate a few landmines in order for the bill to be considered and included as it has been. I want to pay my respects to Senator CORNYN and thank him for his leadership on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

#### EMERGENCY CARE FAIRNESS BILL

Mr. ROUNDS. Mr. President, let me begin by thanking my colleagues who are here today, the Senator from Tennessee, the Senator from Louisiana, and the Senator from Connecticut, for the hard work they are doing to create new legislation that will improve the health care of Americans in the future, but I come today as well to speak about legislation which has already passed that was designed to improve the health care of veterans across the entire United States.

I come to speak in favor and in support of the Emergency Care Fairness Act of 2009, which recently has come under attack by the VA and legislation introduced on this floor. In 2009, the 111th Congress passed the Emergency Care Fairness Act to fix a very big loophole in the law which hurt our Nation's veterans. Prior to 2009, the VA was not authorized to cover any costs of emergency room care at non-VA facilities for veterans who were covered by any type of third-party insurance. That meant that if a veteran had a limited insurance policy that covered even \$1 of an emergency room bill, the VA would not pay a dime to cover costs that were not paid for by their insurance. Meanwhile, if a veteran had no insurance and was rushed to the emergency room, the VA was authorized to cover all of his or her costs. Clearly, this made no sense. Under the system,

the VA penalized veterans for owning third-party insurance, particularly Medicare.

Leaders in both the House and the Senate got to work to fix this issue and introduced bills in both Chambers of Congress to allow the VA to pay the remaining balance of emergency care after a veteran's third-party insurance was applied. This made good common sense. At the time, the chairman of the Senate Veterans' Affairs Committee, Senator Daniel Akaka of Hawaii, stated the following on this very floor: "The bill I am introducing would amend current law so that a veteran who had outside insurance would be eligible for reimbursement in the event that any outside insurance does not cover the full amount of the emergency care."

Mr. President, congressional intent does not get any clearer than that.

While the Emergency Care Fairness Act was being considered in committee, the VA is on the record as having supported the intent of the bill. Everything was going according to plan and the President signed the bill into law in February of 2010. The problem arose when after the law was passed, the VA implemented a new regulation which continued to deny veterans' legitimate emergency room claims. Despite having previously supported the Emergency Care Fairness Act, the VA reversed course and elected not to comply. This went on for 6 years, and hundreds of thousands of veterans had their emergency room claims denied by the VA.

It was not until a veteran from Minnesota named Richard Staab had a heart attack in 2015 that the VA's illegal regulation was challenged in court. Mr. Staab was rushed to the emergency room following his heart attack and accrued \$48,000 in medical expenses. Because he carried limited Medicare insurance, the VA denied his claim for reimbursement, as it had done for so many veterans, even though his Medicare didn't come close to covering the cost of his treatment.

Mr. Staab sued the VA, and in April of this year, his case was heard by the U.S. Court of Appeals for Veterans Claims. After hearing the case, the court unanimously ruled in Mr. Staab's favor and ruled that the VA was in violation of the law by denying his claim and specifically ruled that the VA's regulation was in violation of congressional intent of the Emergency Care Fairness Act.

Part of the Court's ruling stated: "Therefore, it is clear from the plain language of the statute that Congress intended the VA to reimburse a veteran for that portion of expenses not covered by a health plan contract."

This was a huge win for veterans.

Unfortunately, today the VA has appealed the decision of the U.S. Circuit Court of Appeals. This is an egregious dereliction of duty and a clear effort to avoid complying with the original intent of Congress back in 2009. Just

since the VA's appeal of the ruling, over 100,000 veterans' claims have been put in a pending status. That equates to thousands upon thousands of veterans who are waiting for the VA to help them pay their bills.

It is a fact that those most affected by the VA's noncompliance with the Emergency Care Fairness Act are elderly veterans, many of whom are living on fixed incomes and have limited resources to pay medical bills. Often these veterans find themselves dealing with collection agencies as a result of emergency care received in their communities. In an era where we know that more than 20 veterans commit suicide every day, with 65 percent of those veterans aged 50 years or older, this is unacceptable.

I want to tell a short story about a constituent of mine who was a veteran that was supposed to be covered by the Emergency Care Fairness Act. His name is Mr. Alfred Dymock. Mr. Dymock is 90 years old, and he served in the Army Air Corps during the Korean war. He flew over 100 combat missions during the war and earned a Bronze Star and Distinguished Flying Cross for his heroic service. Mr. Dymock receives all his medical care at the VA as a disabled veteran but also carries his Medicare Part A, as does nearly every American over the age of 65.

During a 1-month span earlier this year, Mr. Dymock collapsed twice in the middle of the night while he was in the bathroom. One time he hit his head and was bleeding. Because his 85-year-old wife was unable to pick him up, she appropriately called 911 each time. In both instances, the ambulance took him to Rapid City Regional Hospital, even though he requested to go to the Fort Meade VA hospital, the VA facility where he normally receives all of his care. The paramedics did not want to take him on the 25-mile drive to Fort Meade because they feared he was having a heart attack and may not survive even in that short of a drive. As a result of these two incidents, Mr. Dymock's emergency room bills totaled over \$44,000.

After Medicare Part A paid its share, Mr. Dymock still owes Rapid City Regional nearly \$10,000. The VA has denied Mr. Dymock's claims to cover this amount because he, like nearly every other American, is eligible for Medicare Part A.

The Dymocks do not own a home. They live in an apartment. They live solely on their Social Security and on Mr. Dymock's VA disability payments. If the VA continues to deny his claims, the Dymocks have no ability to pay these medical bills.

Today, Mr. Dymock is in hospice care with Stage 4 kidney disease and liver disease. His daughter writes to me that even as frail and ill as Mr. Dymock is, he wants to know before he dies that his bills are covered so he can have peace.

It was veterans like Mr. Dymock in Rapid City, SD, that Congress intended

to help when it passed the Emergency Care Fairness Act in 2009. Today I call on the VA to drop their appeal of the court's ruling and begin writing new regulations that comply with the law as Congress intended to properly reimburse our veterans for their emergency room care.

I fully understand there is a cost associated with this course of action. Taking care of our veterans and complying with the law in this case is not a cost issue. I believe it is a moral issue, and in this case, it is also a legal issue. Complying with the intent of the Emergency Care Fairness Act is also simply the right thing to do.

Should the VA agree, I stand ready to support them in their efforts to take care of our veterans and to give them medical care which they need, both from the VA and in the private sector.

While we certainly have a long way to go to fix VA health care, I fully believe that implementing the Emergency Care Fairness Act as it was intended is a step in the right direction. I look forward to working with the Secretary of the VA and my colleagues on the Senate Veterans' Affairs Committee on a broad range of initiatives that continue to improve health care for our veterans.

It is my goal to keep our veterans at the center of all we do. I urge my colleagues to join me in standing up for our veterans in supporting the Emergency Care Fairness Act of 2009.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### 21ST CENTURY CURES BILL

Mr. ISAKSON. Mr. President, first of all, I commend the Senator from North Dakota who is a Member of the Veterans' Affairs Committee for his diligent efforts, his thoughtful words, and all he does for veterans on the Health, Education, Labor, and Pensions Committee, and I appreciate what he said and support his efforts.

As a 71-year-old citizen of this country, one who has been in business, has been fortunate to be married 49 years to a wonderful woman and raised a family, one who has been in public life for 40 years, you learn that there are three kinds of people in the world: those who make things happen, those who watch things happen, and those who wonder what the hell is happening.

We have the chairman of the Health, Education, Labor, and Pensions Committee, Senator LAMAR ALEXANDER, who is one of those people who makes things happen. What we are going to do on the Cures bill in this body next week is nothing short of remarkable, but it is an example of somebody who cares and is ready to do the hard work that legislating can bring about.

It is a bill that incorporates many of the provisions of this administration and Members of this Senate, things that have been worked on for years and

things that will save and improve lives in America.

For me, it is personal for two or three reasons. One reason is the pediatric rare disease provision. In 2005 I met a young lady named Alexa Rohrbach. Alexa was 5 years old when I met her. She came to lobby me about finding cures for incurable diseases and incurable cancers. She had a cancer called neuroblastoma. She won my heart over. I have her picture in my office. I had dinner with her parents 2 weeks ago in Atlanta at the Rally Foundation annual dinner.

Alexa got her angel wings 2 years ago and is in Heaven looking down today, but I am testifying on Alexa's behalf that the more we can do to accelerate research and development for cures of rare diseases, the more we can make the lives of people happy and long, rather than short and sad. Alexa Rohrbach was an inspiration to me, and I speak today for the 21st Century Cures bill, in part, because of Alexa Rohrbach because if this bill had been in place before I met her in person, she would have been saved from the rare disease she had. We would not have to talk about her in the past tense but only in the present.

The second reason is, there are things I worked on for a long time that are coming to full fruition. One of the measures is home infusion. I have a wonderful son named Kevin, who was almost killed in an automobile accident when he was 18 years old in 1989.

Kevin got a bad leg infection. He had the bottom part of his leg blown off and lost a lot of the bone, and they had to put a lot of replacements in, a lot of metal rods. He had to lie in a hospital bed with antibiotics running through his system to keep his bone marrow from getting infected.

When he came home, for the next 6 months he had to be administered antibiotics daily. My wife and I administered those through home infusion. He was able to recover from this disease at home, in his own bed, with his own parents attending to him. Under the law today, for home infusion to be reimbursable, it is only reimbursable if you are in the doctor's office or if you are in the hospital. If you are doing it at home with visiting nurses or any other way, you can't do it.

What costs more, a hospital or home visit? Obviously, a hospital. This bill provides a way for us to find a way forward to reimburse home infusions at home. It is the safest, best, most efficient, and least expensive way to deliver home infusions, incentivized by the 21st Century Cures bill.

We also know that neurological diseases such as Parkinson's, MS, and Alzheimer's are more prevalent than ever before. They are the No. 1 disease for people my age and the generations to follow. This bill creates a neurological disease registry of all these diseases which have common characteristics to help the CDC in early diagnosis and early treatment. I, as one who suffers

from one of those diseases, can tell you the more you learn from one you can tell about another.

I commend Senator ALEXANDER in his efforts to bring that forward so we have a neurological disease registry that works, that we have an expedited review process for drugs of rare cancers in children, and so we do the things we need to do to cure the bad diseases of the 20th century so the lives of the people in the 21st century are better.

Chairman ALEXANDER is a unique individual. He is a former college president, a U.S. Senator, candidate for president of a university, and a great chairman of the Health, Education, Labor, and Pensions Committee. If we pass this bill as a trademark to him next week, it will be, in large measure, because of his belief that if you give everybody a chance to be a part of the same thing, whether Republican or Democrat, rich or poor, northerner or southerner, they will work together to do the right thing for the American people. Senator LAMAR ALEXANDER deserves our credit, deserves our appreciation, and I thank him for allowing me as a member of the committee to have the chance to work on the 21st Century Cures legislation.

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#### REMEMBERING CARL W. KNOBLOCH, JR.

Mr. ISAKSON. Mr. President, I wish to pay tribute to a great American and a great Georgian who passed away last week in Atlanta, GA. The cities of Wilson, WY, and Atlanta, GA, lost a great citizen last week, America lost a great patriot, and philanthropy lost one of its greatest contributors.

Carl Knobloch passed away last Friday. Carl was a personal friend of mine and a unique individual and a unique inspiration to me and many others. He was a gentleman who went to the Hill School, then went to Harvard, and then went to Yale. He was a leading intercollegiate fencer and won an international medal for his intercollegiate fencing ability.

He went into business using everything he learned as a Baker Scholar at Yale University. He went into business. His first business was a drive-in theater in Zimbabwe. His second business was an oil and gas business in Africa. He then went on to build businesses all over the United States of America dealing with natural resources, dealing with gas and oil. He was a specialist in taking companies that were failing and turning them around and making them profitable. Do you know how he did it? He believed that everybody who had helped him succeed ought to have equity in the projects he succeeded in, so he made people who owned failing companies that he took over equity partners so that when he turned the company around, they profited from the work they put in to save the company. That is a great leader of business.

He also was a great subscriber to Theodore Roosevelt's great statement,

which he made as President of the United States, which I want to read verbatim:

The nation behaves well if it treats the natural resources as assets, which it must turn over to the next generation.

Therefore, a great American businessman, Carl Knobloch, formed the Knobloch Family Foundation to take much of his wealth and much of the wealth he gained and direct it toward saving the natural resources of the United States of America. Whether it was our wildlife, whether it was our land, whether it was our oceans, whether it was our plains, or whether it was our beach fronts, whatever it was, where he could save and conserve our assets, he did. He put most of his life-long earnings into that.

He and his beautiful wife Emily were great friends of my family. Emily will miss him dearly, as I will miss him.

I know America is a better country today because of Carl Knobloch. The environment is safer in America because of Carl Knobloch. The United States of America has lost a great patriot and a great friend.

I pay tribute to my friend Carl Knobloch of Wilson, WY, and Atlanta, GA.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### AMENDING THE JUSTICE AGAINST SPONSORS OF TERRORISM BILL

Mr. GRAHAM. Mr. President, I would like to address the body for just a moment. Senator MCCAIN is on his way. We are talking about a problem we are trying to solve that is an important problem for our Nation as a whole and I think eventually for all of those who serve our Nation abroad.

Recently, we passed a bill 99 to 1—I cannot remember the number—that would allow victims of the 9/11 attack to bring a lawsuit under a claims act basically against a foreign entity, a government, for any complicity they may have had in the 9/11 attack.

I just want people to understand that basically here is the deal: Sovereign immunity exists for us. It exists for sovereign governments, but it is waived. If you get hurt by a Federal Government employee, even though sovereign immunity is available to the U.S. Government, we have a Federal Tort Claims Act, and you can bring a claim if somebody—if a postal truck hits you, you can bring a claim under the Federal Tort Claims Act. We waive sovereign immunity in limited circumstances. The same is true if you are in New York or Washington and someone driving a car, working for a

foreign government, hits you. You can actually bring a lawsuit. If there is a tort committed against you or your family by a foreign entity, just as long as the people are within the scope of their employment, you can sue.

What about terrorism? We are not talking about car wrecks. We are not talking about slip-and-falls. We are talking about something that nobody really thought of when they created the exception to foreign immunity; that is, an act of terror.

So here is where Senator McCAIN and I come out. We want 9/11 families and other people who may be victims of state-sponsored terrorism to have the ability to take the perpetrator to court. What we don't want is our government or any other government sued for a discretionary planning function, an exercise of sovereignty in the normal course of business.

Let me tell you why this is important. We are using drones all over the world to go after terrorists. We went inside Pakistan to kill bin Laden. Sometimes these drone attacks are designed to kill terrorists and unfortunately civilians are injured and sometimes killed. The United States is not intentionally trying to kill these civilians. We are not joining with a terrorist organization to kill innocent people. We are actually exercising national security discretion. You don't want countries that are involved in making political decisions to defend themselves to be exposed in court.

So what we have done to amend the law that was passed overwhelmingly is to create a caveat to the law. You can sue a foreign state for tortious acts, but when it comes to terrorism, when a terrorist entity takes innocent lives, the only time you can sue that country is if the foreign state knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly. Why is that important? That protects us as we go throughout the world trying to kill terrorists who are trying to kill us all, and sometimes we hit innocent people. It protects the United States in its efforts to defend itself in a very dangerous world. We don't want to be sued under those circumstances. We try to do right by innocent people, but we don't want to expose the Federal Government or its employees to being hauled into foreign courts or international tribunals to be accused of war crimes.

So we are trying to work with Senator SCHUMER and Senator CORNYN, who deserve a lot of credit for trying to help the 9/11 families. Here is what we are asking: We are asking that we put a caveat to the law that just passed, saying that you can bring a lawsuit, but if you are suing based on a discretionary function of a government to form an alliance with somebody or to make a military decision or a political decision, the only time that government is liable is if they knowingly engage with a terrorist organization directly or indirectly, including financ-

ing. I am OK with that because our country is not going to fall in league with terrorists and finance them to hurt other people.

If we don't make this change, here is what I fear: that other countries will pass laws like this. They will say that the United States is liable for engaging in drone attacks or other activity in the War on Terror and haul us into court as a nation and haul us into court to whom we give the responsibility to defend the Nation into foreign court.

The fix is not the following: The statutes say that military members and CIA officers and other people cannot ever be sued or held liable. That won't work. I don't want any nation state, including ours, to be sued for a discretionary act unless that discretionary act encompasses knowingly engaging in the financing or sponsorship of terrorism, whether directly or indirectly.

You can not fix this problem without making this change. Here is the problem: Every time a drone is launched, every time Americans go in harm's way, every time a diplomatic engages in activity abroad, we are subjecting them and our Nation to lawsuits, potential imprisonment. We need to fix this because if we don't fix this, it will come back to haunt us.

So the right to sue exists, but when it comes to a discretionary act, such as launching a drone, the only way a country can be sued when terrorism is involved is if you can prove the country knowingly engaged in supporting that terrorist network directly or indirectly. That fixes the problem we face as a nation. That would send a signal to the world that we are not opening a Pandora's box. It would allow the 9/11 families to move forward, but their burden would have to be that any government they sued knowingly engaged in activity with a terrorist who launched 9/11. I think this is the right compromise. If we don't change the law along the lines I have just indicated, we are going to create a new class of victims—those who serve on foreign shores under the banner of the United States—and that is not helping the 9/11 families.

I hope that these negotiations will bear fruit and that we can get this fixed this year. If not, next year Senator McCAIN and I will introduce legislation along the lines I have described. We are not going to stop until we have this problem fixed because it is a real problem for people serving the United States in real time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. My friend is correct. He and I were both Members of this body the day the 9/11 attacks took place as we fled the Capitol and watched the Pentagon. Of course, none of us will

ever forget the horror and terror of that day, nor will we ever stint in our commitment to making sure the families of those who sacrificed their lives and were wantonly murdered on that terrible day are adequately compensated in every possible way for the tragedy—and we can never fully repay them. But it is a reality. None of us will ever forget it. But that does not mean, that cannot mean that we would endorse legislation that would hold the government of a nation responsible for an act that was committed from that country.

We know that today as we speak, in Iraq, in Mosul, there are weapons factories. There are chemical weapons factories designed to attack different places in the world.

I would ask my friend, if there is an attack from Mosul and lives are lost, and of course the government of Iraq doesn't know anything about it, is the government of Iraq now liable, held responsible for the actions of terrorists within their country without them knowing that those activities are taking place?

Unfortunately, there are terrorist organizations in many nations throughout the world, as Al Qaeda has metastasized and terrorism has spread throughout the regions. Acts of terror are committed and innocent people are killed every single day. Does that mean the governments of those countries are to be held responsible? Obviously, I think the answer is no.

What we are doing with this well intentioned legislation, which all of us are supportive of—but what we do not intend and should not intend is to hold a foreign government responsible for actions that were taken by a terrorist or terrorist organizations. We know that some of those who committed the attacks of 9/11 were Saudi citizens, but that does not then necessarily mean the Saudi Government is responsible for the actions of terrorists. Unfortunately, this legislation does not define that. That is why it is so important.

There are several aspects of this legislation that need to be fixed, but the most important aspect is the phrase that says that this nation has to "knowingly" assist a terrorist group. If you can prove that any government was behind a terrorist attack of the United States of America, that government, that nation, should be held responsible. Those who are injured or harmed should be compensated in every possible way, but to hold a nation's government responsible for acts of terror that were taken by individuals or organizations within that country, without them even knowing about it, then that opens a Pandora's box of incredible proportions.

For example, is the Government of Saudi Arabia responsible for the acts that took place on 9/11? Is the government of other Middle Eastern citizens from other Middle Eastern nations? For example, are organizations that exist within—again, I use Iraq and

other countries where terrorist organizations exist, and there are many. Libya is another example.

The Government of Libya is not responsible for acts of terror committed by terrorist organizations that exist and are functioning today within Libya.

All the Senator from South Carolina and I are saying is, we do not in any way want to prevent the families, loved ones, and those who have suffered so much agony and pain over this horrendous and horrific attack that took place on 9/11—in fact, I am proud of our record of support of everything we could possibly do for those families, but we are going to invoke the law of unintended consequences.

For example, if we are going to sue—if a nation that has significant investments in the United States of America, whether it be in the stock market or other investments, and that country knows it is going to be sued and possibly have its assets frozen, any thinking government is going to withdraw those assets so they cannot be frozen as the court proceedings go on. That is just a small example.

The other example is our Middle Eastern friends doubt us. They doubt us because when the redline was crossed and we said we would act, we didn't. They doubt us when we see the rise of terrorist organizations, Al Qaeda, ISIS, and their spread. They doubt our commitment. If they believe that because of the actions of an organization or citizens from within their country they are going to be brought to court, prosecuted, sued for damages and held liable, obviously, I think their course of action would be to withdraw.

We don't want our friends to withdraw from the United States of America nor do we want to see long, drawn-out legal cases which, frankly, don't benefit them nearly as much as the trial lawyers.

The changes that Senator GRAHAM and I are proposing are modest. Logically, I think you should not pursue or prosecute a government that did not knowingly—the word isn't "abetted" or "orchestrated"—but knowingly stand by and assist a terrorist group. They shouldn't be dragged into our courts. If we don't fix it, our ability to defend ourselves would be undermined.

I just wish to emphasize one point the Senator from South Carolina made. We have had drone strikes in many countries in the world. Pakistan is another example. All of us have supported the efforts, many of them successful, in destroying those leaders who were responsible for the deaths of American servicemen and servicewomen. It is a weapon in the war against terror, but sometimes, as in war, mistakes were made and innocent civilians were killed along with those terrorists. Does that mean the United States of America, the government, is now liable? I am afraid that some in the tort profession would view this as an opening to bring suits against the United States of

America. In fact, we are already hearing that is being contemplated in some places.

I hope Senator SCHUMER and Senator CORNYN will look at these concerns that we and our friends have, especially in the Middle East, and make these very modest modifications, which are modest in nature but of the most significant impact.

Mr. GRAHAM. If I could add to what Senator McCAIN said, the language we are talking about putting back into the statute was originally there. Somebody took the discretionary function language out of the original bill. I guess a lot of them missed it. The more you think about what we are trying to do, we are trying to make sure foreign governments that intentionally engage in acts of terrorism are held liable at every level in the courts, the courts of public opinion, and could suffer reprisals from the United States.

Let's go back to Libya, the Lockerbie bombing. It is clear to me, the Libyan Government orchestrated the downing of that aircraft. Over time, evidence was developed and lawsuits were brought. I think Qadhafi's people did that.

Right now Libya is just a mess. Whatever government they have cannot be held responsible for what ISIL is doing in Libya, unless they knowingly engage in the financing and sponsorship of terrorism.

Here is the point. We are supporting the YPG Kurds in Syria to help destroy ISIL. They are a Kurdish group who are sort of the ideological cousins to the PKK inside Turkey who are defined by Turkey and most everybody else as a terrorist organization. With some reservations, I support trying to get the YPG Kurds to help us destroy ISIL, but I don't want that help to expose us if, for some reason, unbeknownst to us, they fall in league with the PKK and attack somebody in Turkey.

We didn't knowingly do that. We are trying to sign them up, a discretionary function, to get allies to go after ISIL. I don't want to be responsible for anything they may do in the future unless we were knowingly part of it.

This is what I will tell Senators SCHUMER and CORNYN. I appreciate what you have done on behalf of 9/11 families. This was the original language that I think needs to be put in because here is where we stand right now. As a nation, we are opening ourselves to lawsuits all over the world. It will be not enough in this statute to exempt soldiers and CIA operatives because down the road another country may not do that. Once you expose yourself to liability, who can be sued is in the hands of another country.

What I want to do is let the United States be clear in two areas. To any country that engages in acts of terror against us, we are coming after you—not just through the courts but hopefully militarily. To our allies and people around the world who are having to make hard decisions, such as Saudi

Arabia and Yemen, trying to form alliances to deal with Houthis sponsored by Iran, we don't want to open Pandora's box, that when a country has to make alliances with people—such as we are doing with the Kurds—that we own everything they do. It has to be for a liability, to attach "knowing."

In the case of 9/11, if the Saudi Arabian Government knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly, they could be held liable under the law we just passed—if you adopt our language. Without our language, there is no "knowing" requirement. That is not fair to them, it is not smart for us, and we need to get this fixed while we still have time because as I speak, people are engaged in combat, diplomacy, and the dark art of espionage all over the world.

If we don't fix this, we are going to create a new class of victims. We are going to put people at risk of being captured, killed, tortured, and imprisoned abroad. That doesn't help the 9/11 families.

The war started there. It is still very much going on. As we try to make sure that we look backward to address the wrongs of the past and help the 9/11 families, which we should, we also owe it to those who are in the fight today not to unnecessarily expose them.

If you want allies—which we desperately need—we need to think long and hard about the exposure they have here at home because we could be in the same boat over there.

All we are saying to any ally of the United States is, you can't be sued in the United States for an act of terrorism unless you knowingly were involved, and the same applies to us in your country.

Because it could be interpreted that someone from that country or someone in that country committed an act of terror, therefore, the government of that country is held responsible. That is not right. That is not what this should be all about. Certainly, there are a number of government sponsors of terrorism, but the people who are affected by—the governments that are affected by this legislation are also not worthy, or not necessarily, and certainly they will react in a rather negative fashion. We will be opening a Pandora's box, which we will have to close with great difficulty and certainly with great regret.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ADMIRAL CECIL D.  
HANEY

Mrs. FISCHER. Mr. President, I rise today to recognize ADM Cecil D. Haney

at the conclusion of his tenure as commander of U.S. Strategic Command and on his upcoming retirement from the U.S. Navy.

Admiral Haney has been an exemplary officer, and he has been an outstanding leader. Over the course of his 38-year career in the Navy, he has made countless sacrifices for our country. I commend his service and the sacrifices of his family, including his wife Bonny, his daughter Elizabeth, and his two sons, Thomas and Joey. I express our great appreciation for his leadership and devotion to our Nation's security.

I first met Admiral Haney in 2013, when he was nominated to succeed General Kehler as the commander of STRATCOM. Over the past 3 years, it has been my great pleasure to work with him, and I am grateful for his wise counsel and his firm resolve to always do what is best for our Nation and for the men and women he leads.

Secretary Carter has pointed out on many occasions that our nuclear forces remain the bedrock of our Nation's security, and as the commander of U.S. Strategic Command, Admiral Haney spent the last 3 years ensuring that this bedrock remained strong. Every day our Nation relies on its nuclear forces to deter strategic attack on the United States and our allies. Admiral Haney has ably led the forces that comprise our nuclear deterrent as they perform this highest priority mission.

He has also been a strong advocate for the modernization of our aging nuclear infrastructure—no small task in a time of capped budgets. His ability to work closely with Members of Congress and his clear-eyed assessments—such as the statement he delivered to the Committee on Armed Services last year that “there is no margin to absorb risk” in our plans to modernize our nuclear enterprise—have helped maintain congressional consensus on the importance of following through with those modernization commitments.

Admiral Haney has also shown strong leadership and provided valuable advocacy with respect to the other capabilities for which the command is responsible. For example, he led the effort to establish the Joint Interagency Combined Space Operations Center, which will become a crucial command and control node, ensuring our Nation has the ability to protect and defend critical national space infrastructure.

Admiral Haney's selection as commander of the U.S. Strategic Command was a fitting capstone to a career of service that never strayed far from the nuclear mission. He began his career in 1978 as a distinguished graduate from the U.S. Naval Academy. Rising quickly through the Navy, he went on to command the USS *Honolulu*, Submarine Squadron 1, Submarine Group 2, and to become the director of the Submarine Warfare Division and the Naval Warfare Integration Group. In 2010, he became the deputy commander of U.S. Strategic Command, after

which he served as commander of the U.S. Pacific Fleet.

In each role, Admiral Haney has set a strong example for those under his command by faithfully discharging his duties with professionalism and dedication.

With nearly four decades of dedicated service to our Nation, Admiral Haney deserves our most heartfelt gratitude and praise. So I thank the admiral and wish him the best and also the best to his family.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRUZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CASTRO REGIME

Mr. CRUZ. Mr. President, it was Armando Valladares, a Cuban dissident and poet who was imprisoned for 22 years under the Castro regime, who so powerfully observed in his memoir:

My response to those who still try to justify Castro's tyranny with the excuse that he has built schools and hospitals is this: Stalin, Hitler and Pinochet also built schools and hospitals, and like Castro, they also tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity.

This week we witnessed a powerful moment for people all across the country and especially for Cuban-Americans like myself. Cuba's longtime oppressive dictator Fidel Castro is dead. Let me be absolutely clear. We are not mourning the death of some revolutionary romantic or a distinguished statesman. We are not grieving for the protector of peace or a judicious steward of his people. Today we are thankful. We are thankful that a man who has imprisoned and tortured and degraded the lives of so many is no longer with us. He has departed for warmer climes.

This brutal dictator is dead, and I would like to pay tribute to the millions who have suffered at the hands of the Castro regime. We remember them, and we honor the brave souls who fought the lonely fight against the totalitarian Communist dictatorship imposed on Cuba. Yet, at the same time, it seems the race is on to see which world leader can most fulsomely praise Fidel Castro's legacy while delicately averting their eyes from his less than savory characteristics. Two duly-elected leaders of democracies who should know better, Canadian Prime Minister Justin Trudeau and American President Barack Obama, have been leading the way.

Mr. Trudeau praised Castro as a “larger than life leader who served his people for almost half a century” and “a legendary revolutionary and orator,

[who] made significant improvements to the education and healthcare of his island nation.” Tell that to the people in the prisons. Tell that to the people who have been tortured and murdered by Fidel Castro.

Mr. Obama likewise offered his “condolences” to the Cuban people and blandly suggested that “history will record and judge the enormous impact of this singular figure.” Now, he added, we can “look to the future.”

What is it about young leftists, what is it about young Socialists that they idolize Communist dictators who torture and murder people? Fidel Castro and Che Guevara and all of their goons were not these sexy, unshaven revolutionaries on posters in college dorm rooms that make leftists go all tingly inside; they were brutal monsters, and we should always remember their victims.

Earlier this week, I publicly called that no U.S. Government official should attend Castro's funeral unless and until his brother Raul releases the political prisoners—first and foremost, those who have been detained just since Fidel's death. Unfortunately, in this administration, my call went unheeded. Two high-level U.S. Government officials attended Fidel's memorial service yesterday. This unofficial delegation included Ben Rhodes, assistant to the President, National Security Advisor for Strategic Communications, and Jeffrey DeLaurentis, the top U.S. diplomat in Cuba.

Yesterday, when asked about a U.S. presence for the memorial service, White House Press Secretary Josh Earnest said, “We believe that this was an appropriate way for the United States to show our commitment to an ongoing future-oriented relationship with the Cuban people” and that “this is an appropriate way to show respect, to participate in the events that are planned for this evening, while also acknowledging some of the differences that remain between our two countries.” I am afraid I must ask Mr. Earnest whether any of these “differences” were publicly acknowledged while Rhodes and DeLaurentis were commemorating the legacy of Fidel Castro. How exactly do you commemorate it—cheers to the tyrant? I suspect that those “differences” were not mentioned in the funeral pamphlet. Mr. Earnest also claimed last night: “Certainly no one from the White House and no other delegations will be sent to Cuba to participate in any of the other events.”

Well, that is comforting. Let's hold him to those words. My hope and prayers are that these officials do not attend the funeral. Although I must say, it is quite convenient that Rhodes had a preplanned trip to Cuba this week. Earnest remarked that “Mr. Rhodes has played a leading role in crafting the normalization policy that President Obama announced about two years ago” and “he has been the principal interlocutor with the Cuban government from the White House in

crafting this policy and implementing it successfully.”

I suppose it is appropriate that the Federal Government official who played an integral role in allowing billions of dollars to flow to Cuba—to flow directly to Raul and Fidel Castro—be there to commemorate Fidel’s death. It is billions of dollars that have gone to strengthen the repressive machinery, to strengthen the regime. If a U.S. company or a European company wants to hire a Cuban worker, they can’t do it. It is against the law.

It is unlike many other countries. It is unlike China or other places where you can hire a local worker. Instead, you must hire the government. There is one and only one person you can hire. The foreign companies pay the Cuban Government, and the Cuban Government, in its benevolence, keeps 93 cents of every dollar and pays the Cuban workers 7 cents out of every dollar.

Ninety-three cents of every dollar of the billions that Barack Obama has funneled to Castro has gone to the government of Raul Castro and Fidel Castro to fund the secret police, to fund the prisons, and to fund the torture, while our diplomatic brigade pat themselves on the back as to what enlightened diplomats they are.

The life and legacy of Fidel Castro is no cause for celebration or commemoration. His contributions consist of a ruined country and a broken people. Cuba is almost like the land that time forgot. You can go and see cars from the 1950s—meticulously maintained, held together almost with rubber bands and chewing gum. It is not that the citizens there have a fondness for antiquities. It is that the repressive communist economy has trapped them, has mired them in poverty where 1950s cars are all they have, and where the last 60 years didn’t happen, other than the jackboot of the oppressive police state.

I will point out that on this issue I am not a disinterested observer. My own family’s experience has been acute. My father, born and raised in Cuba, fought in the Revolution. He initially believed in the principles of freedom that he thought the Revolution was about. He fought against Batista, a cruel dictator, and was tortured and imprisoned by Batista’s police state.

Then my aunt, Tia Sonia, who is younger than my father, stayed and was there after the Revolution occurred and suddenly discovered the Revolution was based on a lie. The kids who thought they were fighting for freedom discovered instead an even worse tyrant than that who preceded him—a communist dictator who would line up dissidents and shoot them.

My Tia Sonia participated in the counterrevolution. She fought against the Castro tyranny. I will tell you, when she was a high school girl, she and her two best friends were arrested, were thrown into prison by the Castro regime, and, like her brother, she faced terrible treatment in a Cuban prison.

What they did in Cuban jails to teenage girls should not happen to anyone.

This is the legendary figure that Trudeau and Obama celebrate. The night that the news broke that Castro had died, I received a text from my cousin Bibi—my Tia Sonia’s daughter and someone whom I grow up with like a sister. Bibi texted me. She said: Fidel Castro is dead. I am glad that I was able to make that call to let my mother know.

I image when Bibi called my Tia Sonia it was an extraordinary moment. My aunt was asleep at the time. Bibi sent me a second text. I couldn’t help to think about all the conversations at the dinner table with my grandparents about the day that Castro dies. Texts just like that millions of people sent all over the world, especially in the Cuban-American community. People had dreamed for years, for decades about the day this tyrant would die and face eternal judgment.

The betrayal, brutality, and the violence experienced by my father and by my aunt were all too typical of the millions of Cubans who have suffered under the Castro regime over the last six decades. This is not the stuff of Cold War history that would be swept under the rug simply because Fidel is dead.

Consider, for example, the dissidents Guillermo Farinas and Elizardo Sanchez, who came to the United States. I had the opportunity to sit down and visit with them and interview them both. They warned me in the summer of 2013 that the Castros, then on the ropes of the reduction of Venezuelan patronage, were plotting to cement their hold on power by pretending to liberalize in order to get the American economic embargo lifted. Their motto was Vladimir Putin’s motto—his consolidation of power in Russia, which Sanchez called “Putinismo.”

Their plan was to get the United States to pay for it. Sadly, it worked. The year, after I met with Farinas and Sanchez, Mr. Obama announced his famous “thaw” with the Castros, and the American dollars started flowing. As we know now, there was no corresponding political liberalization—simply, American dollars funding a brutal dictatorship. Last September, Mr. Farinas concluded his 25th hunger strike against the Castros’ oppression.

Then there is the case of prominent dissident Oswaldo Paya, who died in 2012 in a car crash that is widely believed to have been orchestrated by the Castro regime. His daughter, Rosa Maria, has pressed relentlessly for answers on her father’s apparent murder, and, thus, she has become a target herself. Just 3 years after her father’s death, the Obama administration honored the Castros with a new embassy in Washington, DC, and at the launch of that embassy, Rosa Maria tried to attend the State Department press conference as an accredited journalist. She was spotted by the Cuban delegation, who demanded that she be removed if

she dared to ask any questions. The Americans complied, in an act of thuggery more typical with Havana than Washington.

What does it say of John Kerry and the State Department? What does it say of the Obama administration when a communist tyrant or their police force says: There is a dissident, a journalist who might ask inconvenient questions; will you silence her and muzzle her? And the response from the Obama administration is only too happy to comply—no inconvenient questions about the apparent murder of your father. We have different priorities.

Last summer I had the honor to meet with Dr. Oscar Biscet, an early truth teller about the disgusting practice of postbirth abortions. I want you to think about that concept for a second—postbirth abortions, otherwise known as the murder of infants, which are far too widespread in Cuba. Dr. Biscet has been repeatedly jailed and tortured for his fearless opposition to the Castros.

I asked him, as I had Mr. Farinas and Mr. Sanchez, whether his ability to travel signaled a growing freedom on the island? He answered—just as they had 3 years earlier: No. In fact, he said, the repression had grown worse since the so-called thaw.

Didn’t we realize, he asked me, that all those American dollars were flowing to the Castros’ pockets and funding the next generation of their police state? That is the true legacy of Fidel Castro—that he was able to institutionalize his dictatorship so that it would survive him.

Fidel Castro’s death cannot bring back the thousands of victims, nor can it bring lasting comfort to their families. For 60 years, Fidel Castro systematically exploited and oppressed the people of Cuba, and now that tyrannical reign has fallen to his brother Raul, every bit as vicious as Fidel was.

I was with my father shortly after he found out the news that Fidel Castro was dead. I asked my dad: What do you think happens now? My father shrugged and said sadly: Not much of anything. Raul has been in charge for years now. The system has gotten stronger.

What Obama has done in funneling billions of dollars to the Castros has strengthened tyranny just 90 miles from our shores. Those billions—those American dollars—are being used to oppress dissidents. In 2016 roughly 10,000 political arrests occurred in Cuba. That is five times as many as occurred in 2010. What does it say about President Obama’s foreign policy that under him political arrests have increased to 500 percent where they were just 5 years ago? This tyrannical regime has gotten stronger because of a weak President and a weak foreign policy.

There is a real danger that we will now fall into a trap of thinking that Fidel’s death represents material change in Cuba. It does not. The moment to exert maximum pressure

would have been 8 years ago, when Fidel's failing health forced him to pass control to his brother Raul. Rather than leverage the transition in our favor, the Obama administration decided to start negotiations with Raul in the mistaken belief that he would prove more reasonable than his brother. It is an unfortunate pattern that this administration has repeated with Kim Jong Un, Hasan Ruhani, and Nicolas Maduro. They don't seem to learn the lesson about the brutality of tyrants. The administration lifted the embargo that had been exerting economic pressure and having real meaningful effect.

Efforts to be diplomatically polite about Fidel's death suggest the administration still hopes that Raul can be brought around. All historical evidence points to the opposite conclusion. Raul is not a different Castro. He is his brother's chosen successor, who has spent the last 8 years implementing his dynastic plan. Unlike Cuba, however, the United States has an actual democracy, and our recent election suggests there is significant resistance among the American people to the Obama administration's pattern of appeasement and weakness toward hostile dictators. We can, we should, and we are sending clear signals that the policy of weakness and appeasement is at an end.

Among other things, we should halt the dangerous "security cooperation" we have begun with the Castro regime, which extends to military exercises, counternarcotics efforts, communications, and navigation—all of which places our sensitive information in the hands of a hostile government that would not hesitate to share it with other enemies, from Iran to North Korea.

I hope all my colleagues will join me in calling for these alterations. The Communist dictator Raul Castro is not our friend, and we should not be sharing military secrets in military cooperation with his military only to have those used against us. A dictator is dead, but his dark, repressive legacy will not automatically follow him to the grave. Change can come to Cuba, but only if America learns from history and prevents Fidel's successor from playing the same old tricks.

It is very much my hope and belief that with a new President coming into office in January, President Trump and a new administration, that U.S. foreign policy—not just with Cuba but with our enemies, whether they be Iran, ISIS, or North Korea—will no longer be a policy of weakness and appeasement but instead will use U.S. strength to defend this Nation and press for change. This ought to be a moment where Cubans are dancing in the street because they are being liberated, but, instead, if anyone dances in the street right now, they will be thrown in jail.

Obama is sending his condolences to the Cuban people on the passing of a dictator who has imprisoned, tortured, and oppressed them for 60 years. Those

are condolences they can do without. Cuba is not a free society. You aren't allowed to speak or worship freely. They tear down churches. They repress the most basic liberty to worship God.

We need leadership to prompt real and meaningful change in Cuba. Valladares wrote in his memoir:

The mass execution was ordered by Raul Castro and attended by him personally. Nor was it an isolated instance; other officers in Castro's guerrilla forces shot ex-soldiers en masse without a trial, without any charges of any kind lodged against them, simply as an act of reprisal against the defeated army.

I have never been to my father's homeland. I have never been to Cuba. My father has not returned to Cuba in over 60 years. I look forward to one day visiting Cuba, hopefully with my dad, my Tia Sonia, my cousin Bibi, and seeing a free Cuba where people can live according to their beliefs without fear of imprisonment, violence, or oppression, but under the dictator Raul Castro, today is not that day.

The people of Cuba need to know that there are still those in America who understand that and stand with them, not the corrupt and vicious crime family that has oppressed them for so long, that has enriched themselves, accumulating millions and millions of dollars in personal wealth, living like emperors and kings while they have oppressed the people of Cuba.

Those in Hollywood, those in the academy, and those in the Obama administration think that communism is about equality. There is nothing equal about Cuban communism other than a quality of suffering, other than a quality of misery, other than a quality of hopelessness. In the Cuban Communist regime, the army acts as the enforcers for the dictators who live opulent lifestyles while oppressing the masses. There is a word for that. It is called evil. It is not simply an interesting way to govern a society. It is the face of oppression, the face of dictatorship, the face of evil. Let there be no mistake, Fidel Castro was evil. Anyone who systematically murders, tortures, and oppresses people for over six decades embodies it, and I have no doubt that right now, today, Fidel Castro is facing the ultimate judgment. That is cause for celebration, and I look forward to celebrating the end of his dictatorship and repressive regime and the return of freedom to Cuba.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

#### DACA

Mr. BLUMENTHAL. Mr. President, our Nation's immigration system is

broken. There would be scant, if any, disagreement with that proposition in this Chamber. There would be no disagreement among anyone who is familiar with this broken immigration system. Far too often, that system is not only broken but violates the essential fundamental values and core convictions of the American people, values that are embodied in our Constitution, in the daily ethics we preach and live about fairness and welcoming people who are different from ourselves, people who have come here to escape persecution in their native lands, such as my father did in 1935 at the age of 17.

He came alone, he spoke virtually no English, had not much more than the shirt on his back, and knew virtually no one. That is the way people still come to this great country, the greatest country in the history of the world. The immigration system that enabled him to come here is now fraught with strictures and failings and irrational barriers that work against not only the interests of people seeking freedom and opportunity but our national interests. That interest is best served when we make possible the talent, gifts, and energy of immigrants. We are a nation of immigrants, and we should be working to reform the immigration system for our national interest.

No one exemplifies more poignantly and eloquently the flaws in our present system than young people known as the DREAMers. For a while, not that long ago, I resolved that I would come to the floor every week with a photograph of a different DREAMer from Connecticut who would demonstrate with a face, if not a voice, why some relief for our DREAMers is essential to our national interests.

DREAMers are members of our society, brought to this country as children, some before they even learned to speak, but now, for almost all of them, English is their native language. This Nation is the only home they have ever known. They pledge allegiance to the flag in school and at events with their hand over their hearts, just as we all do and just as we begin every day the proceedings of this Chamber. Many of them know and never take for granted the gifts of living in the greatest, freest, strongest nation ever to exist on the planet. They know it. They never take it for granted because they hear stories from their aunts and uncles, maybe even their parents about what life was like in the place they left when they were brought here as infants and small children.

So they go to our schools. They learn skills. They go to colleges, and many go on to higher education. They have skills and training and gifts and talents that would be extraordinarily useful and important. There is one problem: They are not citizens. They are not citizens. They are in constant danger of deportation. They are stuck in a potentially illegal and devastating situation because they have no path to

citizenship in a country that should welcome them and make it possible for them to come out of the shadows.

In recognition of those overwhelming merits, President Obama used his well-established Executive authority to institute the DACA Program. Understand that the DACA Program does not grant citizenship, it just defers and delays deportation proceedings. Countless young men and women came out of the shadows and made known their presence to the U.S. Government to become part of the DACA Program, disclosing their illegal status. They are now fearful. In fact, fearful is a clear understatement. They are terrified. I have met with many of them. I have known many of them over the years. I have come to admire and respect their patriotism, their aspirations, and their dreams.

As DREAMers, their dream is American citizenship, which all too often many of us take for granted. Their dream is American citizenship in the best sense of it—giving back to the country that they regard as their home, giving back by using those talents as nurses and doctors to help the sick, as engineers and scientists to build inventions and advance our knowledge, as entrepreneurs to build businesses and employ people and create jobs and drive the economy forward. In fact, immigration reform and these programs are thought to be job creators and sources of economic profit.

The DACA Program was a temporary effort, a respite for them in their striving to gain some permanency and some reliable status so they could be secure and feel safe in this country. Their terror now is well-founded, in fact, because the threat to them from the incoming administration is that they will be, in fact, deported en masse or perhaps their parents will be with them, and the American dream will become a fantasy—in fact, a nightmare.

We are talking about young men, one of them well known to me in Bridgeport, who was brought to Connecticut from Brazil at the age of 5. He studied in the Bridgeport public schools from kindergarten to high school, and then he went on to attend Fairfield University. He majored in chemistry, minored in mathematics. He excelled, so that during his senior year at Fairfield, he was accepted at the University of California, Berkeley's Physical Chemistry Program. But he had to live under the threat of deportation because he had no way to apply for lawful permanent status while he was continuing his studies here in America, potentially contributing greatly to the American quality of life.

There is the New Britain woman who was born in Mexico and brought to America when she was 6 years old. The journey for her was terrifying. She could not understand what was happening. She certainly had no idea that she was entering America in a way that would affect her the rest of her life at 6 years old. The idea that she

was here in an illegal status was incomprehensible. Her family settled in Connecticut. She began school immediately in New Britain, and she went through the public schools there and graduated from New Britain High School in 2008. She decided to attend college out of State at Bay Path College, earning a great many leadership positions there. She became the first in her family to graduate from college and then received a master's degree in occupational therapy. She has dreamed about helping people—maybe at non-profit—to make sure that families with low incomes have access to occupational therapy.

I think, too, of the young woman I know who was born in Venezuela. She was brought here when she was 11 years old. She remembers her mother telling her that she was going to America to learn English. Her mother also told her that she could be successful if she was bilingual and if she worked hard and studied. That is exactly what she did with her family when they settled in Norwalk, CT. She began to go to school right away. Life at the beginning was difficult. There was a lot to learn. By the time she was a junior in high school, she stopped trying to get perfect grades because she feared colleges would not accept her simply because she was undocumented, and even after she was accepted, she could not afford it, but she persevered. She attended community college, which was a huge financial burden. After Norwalk Community College, she went on to Western Connecticut State University. She persevered and she climbed those obstacles that many young American young people don't face, but she pursued a double major in accounting and finance. She hopes to become an accountant and pursue a career in business. But she has no pathway to citizenship or even lawful status. She fears that her dream will be unreachable.

That is why DACA is so important, why it should be extended, why we need to reform a broken immigration system that keeps the DREAMers and all of those 11 million people in the shadows without a path to earned citizenship, why we need to go back to the bipartisan reform proposal that passed overwhelmingly in this body with strong support on both sides of the aisle and then was denied a vote in the House of Representatives. That bipartisan effort needs to be resolved.

In the meantime, the DREAMers should be given lawful status so they can pursue their studies and their careers and give back to the greatest country in the history of the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DONALD TRUMP'S FINANCIAL PLANS

Ms. WARREN. Mr. President, I ask unanimous consent that the following statement by former Representative Barney Frank entitled "Trump's financial plans promise another Great Recession" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Nov. 28, 2016]

### TRUMP'S FINANCIAL PLANS PROMISE ANOTHER GREAT RECESSION

(By Barney Frank)

Apparently, one aspect of American greatness that Donald Trump seeks to recreate is the Great Recession of 2008. He calls for a complete repeal of all the rules that were adopted to govern the financial industry in response to that crisis, restoring to it the freedom to create unlimited debt throughout the economy, with no requirement that serious attention be given to the ability of the indebted to meet their obligations.

By the '90s, the business of lending had been transformed by securitization. Lenders sold the right to repayment of loans, eliminating their incentive to worry about the borrowers' solvency. The financial institutions that bought the loans then packaged them into securities and sold pieces of these throughout the economy. Other large institutions then sold insurance against the failure of these securities to pay. The use of derivative forms greatly magnified the amounts of money at stake.

When imprudently granted mortgage loans began to default, so did securities, leading to investor losses, and demands that the insurers make good on their pledges. Faced with a shutdown of the economy caused by the spreading inability of the indebted to repay, and the consequent refusal of anyone to advance funds to anyone else, the Bush administration bailed out multinational insurance company AIG, asked Congress for general bailout authority, and intensified the work that it had begun along with Congress to create rules to prevent a recurrence.

Modified by the Obama administration and Congress, these rules evolved into the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was designed to prohibit abusive practices, and diminish the negative impact from the misjudgments that are inevitable in a system in which risk-taking is necessary.

Here are some of the most significant changes that will result if Trump succeeds in wiping the law off the books, with real-world reminders of the "great" financial system he would restore.

The abolition of the law's restrictions on granting mortgages to borrowers who are highly unlikely to repay means we will see successors to Countrywide, the mortgage-granting machine that gave us countrywide defaults.

The removal of the regulations governing trading in derivatives means Goldman Sachs, J.P. Morgan Chase, and others can return to the unrestricted dissemination throughout the economy of securities composed of bad mortgages, even when, in Goldman's case, the packager knew enough about the weakness of what it was selling to bet its own money that it would fail to pay off.

An end to the rule that participants in derivative trades either do so through exchanges or otherwise demonstrate that they have the funds to meet their obligations to their trading partners brings back the situation that prevailed when three of the five leading investment companies—Bear

Stearns, Merrill Lynch, and Lehman Brothers—were unable either to pay their own debts or collect what they were owed by others, and AIG told Federal officials it was 170 billion dollars short of meeting its obligations to pay off what it owed those who had bought their credit default swaps (insurance against the failure of mortgage-backed securities).

This leads to the next result of a return to the good old days: It will put Federal officials back to having to choose between letting a company go bankrupt—Lehman—with its disruptive effect, or bailing it out—AIG. We repealed the provision that allowed the Fed to advance 170 billion dollars to pay AIG's debts while letting it stay in business. It replacement—which Trump would repeal, reinstating the unrestricted bailout authority—empowers officials to pay only as much off the debt of the bankrupt entity as is needed to maintain economic stability, but only after putting it out of business, and with a requirement that no money paid out from taxpayers be recouped by assessment on the surviving large financial companies.

Trump's plan to wipe out the provision that purchasers of loans who then package them for resale to bear responsibility for the first 5 percent of the losses that occur means the investing public will once again be wholly dependent on the rating agencies—whose blend of incompetence and dishonesty was chronicled in *The Big Short*." (My one objection to the way in which the law has been administered is the failure to apply this provision to home mortgages, but the power to do so remains in the law if experience calls for it.)

The disappearance of the Consumer Financial Protection Bureau will return to the status quo in which consumers harmed by the abusive behavior of a massive financial institutions could only turn to the federal agencies whose primary mission was to worry about the health of these entities. Had there not been a consumer bureau, Wells Fargo might still be creating false credit card accounts.

I do favor some adjustments to lessen the scrutiny given to small and medium-size banks, although not in the area of consumer protection.

But the major beneficiaries of total repeal are the largest financial entities. I understand why those who believe absolutely in an unregulated market advocate a return to the process that risks repeating 2008. I do not understand how this stance complies with Trump's promise to vindicate the interests of average working people against those who stand at the top of the economic structure.

#### NAVAL SUPPORT ACTIVITY CRANE'S 75TH ANNIVERSARY

Mr. DONNELLY. Mr. President, today, I wish to recognize the incredible Hoosier workforce at Naval Support Activity Crane as it celebrates its 75th anniversary on Thursday, December 1.

Crane was established on December 1, 1941, as a naval ammunition depot to produce, test, and store ordnance away from American coastlines. Today this Indiana facility is the third largest naval installation in the world and one of our Nation's most important military laboratories.

With more than 5,000 employees, Crane supports not only our national security, but our local, regional, and State economies as well. The Hoosier men and women at Crane Army Ammu-

nication Activity and Naval Surface Warfare Center Crane work on some of our most critical and sensitive military missions. Its dedication and hard work helps keep our Nation safe and ensures that our servicemembers are able to successfully complete their missions and return home safely.

The 750 Hoosiers of the Crane Army Ammunition Activity produce, store, and supply conventional munitions for ground, sea, and air forces. Its expertise is essential to the ability of our warfighters to succeed on the battlefield.

At Naval Surface Warfare Center Crane, Hoosiers support America's national defense through work on our nuclear deterrent, electronic warfare capabilities, missile defense technology, and special operations. Its efforts give our Nation a strategic edge. The technological developments generated at NSWC Crane directly support the most critical components of U.S. national security in an efficient, cost-effective way.

As our Nation faces new challenges from advanced adversaries, the need for cutting-edge technology is more important than ever. The Department of Defense has lauded Crane for its work to ensure we have the most technologically advanced military in the world in new areas like hypersonic systems. NSA Crane has also demonstrated leadership in creating effective partnerships between the military, academic institutions, and the industrial base. These partnerships allow Crane to leverage independent expertise and expand the knowledge and capacity of those serving at the facility.

In June, it was an honor to host Secretary of Defense Ash Carter at Crane, marking the first time a Secretary of Defense has visited the base in its 75 year history. Secretary Carter got to see Crane's innovative work firsthand and called the base a "national treasure" that will continue to be an integral part of our national security efforts for years to come. I am proud to echo that statement and truly believe that Crane represents the best of Indiana's tradition of service to our country.

Because of the hard-working employees and military personnel at NSA Crane, our Armed Forces are well equipped to defend our Nation and support our allies across the globe. Its continued devotion to our servicemembers and our country should serve as an example for all.

I am very proud of NSA Crane's 75-year record of accomplishments and continued dedication to creating state-of-the-art solutions for our Armed Forces. I believe that NSA Crane and its elite personnel serve a unique and essential function for the Department of Defense. On behalf of Hoosiers, I congratulate Crane on this special anniversary and for making Indiana, our country, and our world safer. I look forward to Crane's next 75 years of excellence.

#### ADDITIONAL STATEMENTS

##### REMEMBERING DAVID "BOO" FERRISS

• Mr. COCHRAN. Mr. President, I wish to recognize the life and service of Major League All-Star pitcher and longtime head baseball coach at Delta State University, David "Boo" Ferriss, who passed away on November 24, 2016.

Boo Ferriss was born in Shaw, MS, and was raised in the Mississippi Delta region. He joined the baseball team as a student at Mississippi State University in 1941 before signing a Major League contract with the Boston Red Sox organization in 1942. Ferriss's early career with the Red Sox included a 2-year hiatus to serve in World War II. Discharged in 1945, he was called up to play for the Red Sox, helping lead the team to the 1946 World Series. Despite suffering a shoulder injury in 1947, Ferriss played for the Red Sox until 1950, finishing with a 65-30 record as a pitcher.

Following his retirement from professional baseball, Ferriss went on to become the head coach of the Delta State University baseball team, a position he held with great success for nearly 26 years. He led the Statesmen to three Division II World Series and four Gulf South Conference Championships. Induction into the Mississippi Sports Hall of Fame and the Red Sox Hall of Fame are among the numerous awards made to honor Ferriss's achievements. In 2003, the Mississippi Sports Hall of Fame established the Ferriss Trophy, which has become the Heisman Trophy for Mississippi college baseball players.

Boo Ferriss's accomplishments extended beyond the ballfield. He was an active member of the Covenant Presbyterian Church in Cleveland, MS, and a founder of the Fellowship of Christian Athletes in Mississippi. He was a dedicated family man, married for 67 years to his wife, Miriam. They raised two children, Dr. David Ferriss and Margaret Ferriss White, and have two grandchildren and three great-grandchildren. Coach Ferriss will be remembered as a great Mississippian who dedicated his life to the game that he loved and to a generation of players that he educated on the field and in life.

For myself and all those who knew Boo Ferriss, I commemorate his years of service and a life well lived. ●

##### REMEMBERING DOUG ALEXANDER

• Mr. DAINES. Mr. President, in the Capitol in Washington, DC, there is a corridor that highlights the discovery and expansion of America. Just above one of the doors, there is a quote that reminds me of the people who have helped shape Montana, and that makes me proud to be a Westerner. The quote from Horace Greenley reads, "Go West, young men, go West and grow up with the country."

Today I honor a man who was a fourth-generation Montanan and arguably one of Montana State University's biggest fans, Doug Alexander. Doug will be deeply missed as a member of the Bozeman and Bobcat community. Doug was born in Miles City, MT, in 1942 and attended many Montana schools before graduating from Montana State University in 1964. Even after he graduated, he remained very involved with its fraternity Sigma Nu serving as an adviser to the chapter, a friend and mentor to many members, eventually pinning his son Dan with his own Sigma Nu badge in the early 1990s. At the beginning of his career, Doug served his country proudly in the National Guard and was discharged as a first lieutenant in 1970.

Doug maintained adventure in his life, owning many small businesses across the State. However, it was when he acquired Bozeman's Story Motor Supply that he made his way back to the place he loved. It was Doug's compassion for his business and the community that made him such a strong leader and employer for Bozeman. He even joined the Montana Petroleum Marketers Association where he enlisted others to join and eventually lead the association as its national director in 1988 and 1989, where his service and dedication landed him in the Western Petroleum Marketers Association Hall of Fame.

Doug maintained his support of MSU through a position on the foundation board, the Football Quarterback Club, and the Rodeo team, among others. Suffice it to say, MSU wouldn't be where it is today without Doug Alexander and his incredible loyalty to his alma mater. I had the pleasure of being a Sunrise Rotary member with Doug for many years after he cofounded it in 1992. I am thankful for Doug's passion and am thankful that his legacy will be continued by many others in the years to come.●

#### TRIBUTE TO JAMES "JIM" FRENCH

● Mr. SCOTT. Mr. President, I would like to wish Mr. James "Jim" French of Charleston, SC, a happy 90th birthday.

Mr. French, a committed, passionate, and award-winning journalist, served as a U.S. Navy chief journalist for 26 years. After retiring, he founded the Charleston Chronicle in 1971. His work at the Charleston Chronicle focused on offering solutions for the problems within the Black community and successfully led to receive hundreds of awards from organizations throughout the Lowcountry and Nation.

Mr. French's legacy will forever be defined not just by his work and service, but by some many people he has touched in the Charleston community.

I would like to recognize Mr. Jim French for his service to our country and our amazing State; he truly represents the very best of South Carolina.

Happy 90th birthday, Mr. French. May God bless you.●

#### RECOGNIZING THE PHILLIS WHEATLEY LITERARY AND SOCIAL CLUB

● Mr. SCOTT. Mr. President, I would like to congratulate the Phillis Wheatley Literary and Social Club, one of Charleston's earliest Black women's clubs, on their 100th anniversary.

Named after a prominent African-American poet, Phillis Wheatley, the club was established by Jeanette Keeble Cox in 1916 as the Wheatley Community Club. Mrs. Cox was the wife of Benjamin F. Cox, the first African-American principal of the Avery Normal Institute.

The Phillis Wheatley Club has remained committed to bringing hope and opportunities to each of its members. This year, we recognize the club's ongoing legacy, and I believe this centennial celebration is a testament to its positive influence.

It is with honor and admiration that we recognize the Phillis Wheatley Club, and its great impact on so many women's lives, accomplishing its mission "to promote interest in literary and community work and to lift others as they climb high heights."●

#### RECOGNIZING ALVAREZ CONSTRUCTION

● Mr. VITTER. Mr. President, known for their resiliency and perseverance, Louisianians possess great strength and determination when facing adversity. This includes the folks who move to Louisiana and build a life there, such as Jairo Alvarez-Botero, a Colombian immigrant, who settled in Baton Rouge to build Alvarez Construction and has spent decades giving back to his community. For its many years of success and community service, I would like to recognize Alvarez Construction of Baton Rouge, LA, as Small Business of the Week.

In 1963 Jairo Alvarez-Botero came to the United States to learn English and put himself through college. With the mindset that there is "no such thing as impossible," Jairo graduated from Albany Business College with honors and returned to his home country of Colombia to start a family. However, as the country's political and economic stability continued to waver, in the early 1980s, Jairo and his wife, Anita, decided to immigrate to the United States to provide a brighter future for their three children, Carlos, Ana, and Sebastian.

Landing in Baton Rouge, the Alvarez family tried several business ventures before finding success in construction. In 1991, Jairo and his eldest son, Carlos, launched Alvarez Construction. They built three homes that first year, then six more the following year. Starting with individual single-family residential homes, Alvarez Construction eventually expanded its operations to in-

clude real estate and residential development.

After Hurricane Katrina, Jairo recognized the immediate need for increased construction in Baton Rouge and began developing an affordable subdivision for displaced first-time home buyers. In 2007, Alvarez Construction had several hundred houses under construction and 200 full-time workers. In the years since, the family-owned and operated small business has continued to achieve success, developing the St. Jude Dream Home and entire multiuse communities across the greater Baton Rouge area.

Jairo developed cancer in 2005 and spent years battling the disease. He passed away in 2013 as the patriarch of a successful construction and development business that was very involved in the Baton Rouge community. Appreciative of the opportunities the United States had afforded him, Jairo had made it a priority for his firm to participate in various volunteer programs that give back to the community, such as the St. Jude Dream Home Campaign and Wheels to Succeed, a foundation that provides adapted three-wheeled cycles for children with physical disabilities.

Today each member of the Alvarez family continues to play a major role in the business's success. Anita and Ana are in charge of administration, including accounting, bookkeeping, and staffing. With a business administration degree from Louisiana State University, Carlos is a licensed broker and responsible for the production, building, and selling aspects of the firm. As an expert in landscape architecture, Sebastian manages the firm's land development and subdivision infrastructure.

Congratulations to the Alvarez family and the Alvarez Construction Company for being recognized as Small Business of the Week. I look forward to your continued growth and success.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 1:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4665. An act to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 4:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1808. An act to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

S. 1915. An act to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3286. An act to encourage effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual presidential awards to private sector employers recognizing such efforts, and for other purposes.

H.R. 4757. An act to expand the eligibility for headstones, markers, and medallions furnished by the Secretary of Veterans Affairs for deceased individuals who were awarded the Medal of Honor and are buried in private cemeteries, and for other purposes.

H.R. 5160. An act to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art.

H.R. 5166. An act amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

H.R. 5422. An act to ensure funding for the National Human Trafficking Hotline, and for other purposes.

H.R. 5458. An act to provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, and for other purposes.

H.R. 5600. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

H.R. 5843. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.

H.R. 5877. An act to amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.

H.R. 6135. An act to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the "Fred D. Thompson Federal Building and United States Courthouse".

H.R. 6323. An act to name the Department of Veterans Affairs health care system in Long Beach, California, the "Tibor Rubin VA Medical Center".

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3471) to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

The message also announced that the House agrees to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 40. Concurrent resolution encouraging reunions of divided Korean American families.

H. Con. Res. 165. Concurrent resolution expressing the sense of Congress and reaffirming longstanding United States policy in support of a direct bilaterally negotiated settlement of the Israeli-Palestinian conflict and

opposition to United Nations Security Council resolutions imposing a solution to the conflict.

The message further announced that the House passed the following bills, with amendment, in which it requests the concurrence of the Senate:

S. 546. An act to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

S. 2577. An act to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

The message also announced that the Clerk of the House be directed to return to the Senate the resolution (H. Con. Res. 122) supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally, together with all accompanying papers, in compliance with a request of the Senate for the return thereof, to make a technical correction in the engrossment of the aforesaid resolution.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. PAUL, Mr. COONS, and Ms. BALDWIN):

S. 3485. A bill to delay the amendments to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. LANKFORD, and Mr. BOOKER):

S. 3486. A bill to amend chapter 31 of title 5, United States Code, to establish in statute the Presidential Innovation Fellows Program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 3487. A bill to amend title XVIII of the Social Security Act to provide Medicare entitlement to immunosuppressive drugs for kidney transplant recipients; to the Committee on Finance.

By Mr. CRUZ:

S. 3488. A bill to protect freedom of speech in America's electoral process and ensure transparency in campaign finance; to the Committee on Rules and Administration.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. ISAKSON):

S. Res. 624. A resolution supporting the goals, activities, and ideals of World Prematurity Month; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. ISAKSON):

S. Res. 625. A resolution supporting the goals, activities, and ideals of World Prematurity Day; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. Res. 626. A resolution recognizing the 75th anniversary of the establishment of the University of Texas MD Anderson Cancer Center in Houston, Texas; considered and agreed to.

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ROBERTS, Mr. MARKEY, Mr. FLAKE, Mr. COTTON, and Mr. GARDNER):

S. Con. Res. 57. A concurrent resolution honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 386

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 1524

At the request of Mr. BLUNT, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1524, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1915

At the request of Ms. AYOTTE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2612

At the request of Mr. LEAHY, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 2612, a bill to ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3021

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 3021, a bill to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

S. 3043

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3043, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes.

S. 3373

At the request of Mr. WARNER, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3373, a bill to amend the Federal Deposit Insurance Act to ensure that the reciprocal deposits of an insured depository institution are not considered to be funds obtained by or through a deposit broker, and for other purposes.

S. 3386

At the request of Mrs. MCCASKILL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3386, a bill to amend title 36, United States Code, to designate May 1 as "Silver Star Service Banner Day".

S. 3391

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3447

At the request of Mr. SULLIVAN, the names of the Senator from Wisconsin

(Mr. JOHNSON) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3447, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

S. 3475

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3475, a bill to delay the amendments to rule 41 of the Federal Rules of Criminal Procedure.

S. CON. RES. 56

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 56, a concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization.

S. RES. 616

At the request of Mrs. SHAHEEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. Res. 616, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 621

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. Res. 621, a resolution designating November 2016 as National Hospice and Palliative Care Month.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRUZ:

S. 3488. A bill to protect freedom of speech in America's electoral process and ensure transparency in campaign finance; to the Committee on Rules and Administration.

Mr. CRUZ. Mr. President, today I am introducing the SuperPAC Elimination Act. Another election cycle has come and gone without addressing a glaring issue that remains significant: free speech and transparency in campaign finance. Our current campaign finance system is absurd. Right now, a large percentage—sometimes a majority—of campaign expenditures are made by independent third-party SuperPACs that are prohibited from communicating with candidates. That makes no sense. Candidates should define their own messages, and citizens should be free to support whatever candidates they choose to support. Restrictions to political contributions are always presented under the guise of preventing corruption and holding politicians accountable, when in fact they accomplish exactly the opposite: pro-

tecting incumbent politicians. My legislation would put Americans on a level playing field with the media and politicians when it comes to influencing elections and exercising our First Amendment rights. Specifically, it would remove the caps on direct contributions to candidates from individuals and requires donations of more than \$200 to be disclosed within 24 hours. Establishing unlimited contributions paired with immediate disclosure is the best way to promote transparency, eliminate the viability of SuperPACs going forward, and ensure that free speech is protected in the electoral process. I look forward to working with my colleagues in the Senate to shed light on the political arena and empower individual Americans by passing this important legislation.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 624—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF WORLD PREMATUREITY MONTH

Mr. BROWN (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 624

Whereas, according to the World Health Organization, complications from preterm birth are the world's leading killer of children younger than 5 years of age;

Whereas preterm birth is a global problem, exacting a harsh toll on families from all parts of society in every country;

Whereas, in 2015, complications from preterm birth accounted for 1,000,000 deaths of children younger than 5 years of age worldwide;

Whereas there are stark inequalities with respect to the survival rates of preterm babies born around the world;

Whereas up to 75 percent of deaths resulting from preterm birth worldwide could be prevented through proven low-cost interventions;

Whereas countries can improve maternal health and the survival rate of babies born prematurely by making strategic investments in health care systems to ensure access to—

- (1) high quality prenatal and postnatal care;
- (2) quality childbirth services;
- (3) emergency obstetric care; and
- (4) comprehensive care for affected newborns;

Whereas, according to the Centers for Disease Control and Prevention, premature birth is the leading contributor to infant death in the United States and poses the risk of lifelong health problems for babies who survive;

Whereas, while the preterm birth rate in the United States decreased from a peak of 12.8 percent in 2006 to 9.6 percent in 2015, the rate remains too high;

Whereas many communities in the United States experience significant racial and ethnic disparities in preterm birth rates;

Whereas, in 2005, the Institute of Medicine estimated that the annual societal economic cost associated with preterm birth in the United States was \$26,200,000,000; and

Whereas preterm births can be prevented through evidence-based public health programs, including through the reduction of risk factors, such as tobacco use and early elective deliveries, and the promotion of healthy timing and spacing of pregnancy: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes November 2016 as “World Prematurity Month”;

(2) supports efforts in the United States, and recognizes efforts abroad, to—

(A) reduce the impact of preterm births by improving maternal health; and

(B) advance the care and treatment of infants who are born preterm; and

(3) honors individuals working in the United States and internationally to reduce the number of preterm births.

#### SENATE RESOLUTION 625—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF WORLD PREMATURETY DAY

Mr. BROWN (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 625

Whereas, according to the World Health Organization, complications from preterm birth are the world’s leading killer of children younger than 5 years of age;

Whereas preterm birth is a global problem, exacting a harsh toll on families from all parts of society in every country;

Whereas, in 2015, complications from preterm birth accounted for 1,000,000 deaths of children younger than 5 years of age worldwide;

Whereas there are stark inequalities with respect to the survival rates of preterm babies born around the world;

Whereas up to 75 percent of deaths resulting from preterm birth worldwide could be prevented through proven low-cost interventions;

Whereas countries can improve maternal health and the survival rate of babies born prematurely by making strategic investments in health care systems to ensure access to—

(1) high quality prenatal and postnatal care;

(2) quality childbirth services;

(3) emergency obstetric care; and

(4) comprehensive care for affected newborns;

Whereas, according to the Centers for Disease Control and Prevention, premature birth is the leading contributor to infant death in the United States and poses the risk of lifelong health problems for babies who survive;

Whereas, while the preterm birth rate in the United States decreased from a peak of 12.8 percent in 2006 to 9.6 percent in 2015, the rate remains too high;

Whereas many communities in the United States experience significant racial and ethnic disparities in preterm birth rates;

Whereas, in 2005, the Institute of Medicine estimated that the annual societal economic cost associated with preterm birth in the United States was \$26,200,000,000; and

Whereas preterm births can be prevented through evidence-based public health programs, including through the reduction of risk factors, such as tobacco use and early elective deliveries: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes November 17, 2016, as “World Prematurity Day”;

(2) supports efforts in the United States, and recognizes efforts abroad, to—

(A) reduce the impact of preterm births by improving maternal health; and

(B) advance the care and treatment of infants who are born preterm; and

(3) honors individuals working in the United States and internationally to reduce the number of preterm births.

#### SENATE RESOLUTION 626—RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER IN HOUSTON, TEXAS

Mr. CORNYN (for himself and Mr. CRUZ) submitted the following resolution; which was considered and agreed to:

S. RES. 626

Whereas the University of Texas MD Anderson Cancer Center (referred to in this preamble as “MD Anderson Cancer Center”) has provided continuous health services for 75 years;

Whereas the Texas legislature established MD Anderson Cancer Center in 1941 as part of the University of Texas system with an appropriation of \$500,000 and a matching funding grant from the MD Anderson Foundation to build a cancer hospital and research center;

Whereas MD Anderson Cancer Center is 1 of the original 3 comprehensive cancer centers in the United States that was established by the National Cancer Act of 1971 (Public Law 92-216);

Whereas as of November 2016, MD Anderson Cancer Center is 1 of the largest and most respected centers devoted exclusively to cancer patient care, research, education, and prevention in the world;

Whereas the mission of MD Anderson Cancer Center—

(1) is to eliminate cancer in Texas, the United States, and the world through exceptional programs that integrate patient care, research, and prevention; and

(2) includes education for undergraduate and graduate student trainees, professionals, employees, and the public;

Whereas MD Anderson Cancer Center is dedicated to embracing the 3 core values of caring, integrity, and discovery;

Whereas hundreds of thousands of Texans have received quality medical care from MD Anderson Cancer Center during its 75 years of service;

Whereas MD Anderson Cancer Center has invested hundreds of millions of dollars towards scientific breakthroughs in the fight against cancer, including nearly \$800,000,000 in fiscal year 2015;

Whereas MD Anderson Cancer Center is home to the largest cancer clinical trial program in the world, with more than 9,400 patients participating in almost 1,200 clinical trials;

Whereas MD Anderson has educated tens of thousands of health professionals, including physicians, scientists, nurses, and allied health professionals during its 75 years of service;

Whereas MD Anderson has employed tens of thousands of hardworking individuals who have devoted their lives to the care, concern, and healing of patients;

Whereas the commitment of MD Anderson Cancer Center to individuals who have served in the United States military earned MD Anderson Cancer Center a place on the 2015 Best for Vets employer list;

Whereas MD Anderson Cancer Center—

(1) was ranked number 1 for cancer care in the survey of best hospitals published in U.S. News and World Report in 2016; and

(2) has been named 1 of the top 2 cancer centers in the United States every year since that survey began in 1990; and

Whereas the nursing program at MD Anderson Cancer Center holds the American Nurses Credentialing Center’s Magnet Nursing Services Recognition status, which recognizes health care organizations for quality patient care, nursing excellence, and innovations in professional nursing practice: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 75th anniversary of the establishment of MD Anderson Cancer Center in Houston, Texas; and

(2) commends MD Anderson Cancer Center and its employees for providing quality care to hundreds of thousands of patients over the last 75 years.

#### SENATE CONCURRENT RESOLUTION 57—HONORING IN PRAISE AND REMEMBRANCE THE EXTRAORDINARY LIFE, STEADY LEADERSHIP, AND REMARKABLE, 70-YEAR REIGN OF KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ROBERTS, Mr. MARKEY, Mr. FLAKE, Mr. COTTON, and Mr. GARDNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas His Majesty King Bhumibol Adulyadej enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts, in 1927 while his father was completing his medical studies at Harvard University;

Whereas King Bhumibol Adulyadej ascended to the throne on June 9, 1946, and celebrated his 70th year as King of Thailand in 2016;

Whereas, at the time of his death, King Bhumibol Adulyadej was the longest-serving head of state in the world and the longest-reigning monarch in the history of Thailand;

Whereas His Majesty dedicated his life to the well-being of the Thai people and the sustainable development of Thailand;

Whereas His Majesty led by example and virtue with the interest of the people at heart, earning His Majesty the deep reverence of the Thai people and the respect of people around the world;

Whereas His Majesty reached out to the poorest and most vulnerable people of Thailand, regardless of their status, ethnicity, or religion, listened to their problems, and empowered them to take their lives into their own hands;

Whereas, in 2006, His Majesty received the first United Nations Human Development Award, recognizing him as the “Development King” for the extraordinary contribution of His Majesty to human development;

Whereas His Majesty was recognized internationally in the areas of intellectual property, innovation, and creativity, and in 2006, the World Intellectual Property Organization presented His Majesty with the Global Leadership Award;

Whereas His Majesty was an anchor of peace and stability for Thailand during the turbulent decades of the Cold War;

Whereas His Majesty was always a trusted friend of the United States in advancing a strong and enduring alliance and partnership between the United States and Thailand;

Whereas His Majesty addressed a joint session of Congress on June 29, 1960, during which His Majesty reaffirmed the strong

friendship and good will between the United States and Thailand;

Whereas the United States and Thailand remain strong security allies, as memorialized in the Southeast Asia Collective Defense Treaty (commonly known as the “Manila Pact of 1954”) and later expanded under the Thanat-Rusk Communiqué of 1962;

Whereas, for decades, Thailand has hosted the annual Cobra Gold military exercises, the largest multilateral exercises in Asia, to improve regional defense cooperation;

Whereas Thailand has allowed the Armed Forces of the United States to use the Utao Air Base to coordinate international humanitarian relief efforts;

Whereas President George W. Bush designated Thailand as a major non-NATO ally on December 30, 2003;

Whereas close cooperation and mutual sacrifices in the face of common threats have bound the United States and Thailand together and established a firm foundation for the advancement of a mutually beneficial relationship; and

Whereas, on October 13, 2016, at the age of 88, His Majesty King Bhumibol Adulyadej passed away, leaving behind a lasting legacy for Thailand: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors the extraordinary life, steady leadership, and remarkable, 70-year reign of His Majesty King Bhumibol Adulyadej of Thailand;

(2) extends our deepest sympathies to the members of the Royal Family and to the people of Thailand in their bereavement; and

(3) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 183-year diplomatic history, and a multifaceted partnership that has contributed to peace, stability, and prosperity in the Asia-Pacific region.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. ALEXANDER. Mr. President, I have five requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on November 30, 2016, at 2:30 p.m., in room SR-253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled “The Dawn of Artificial Intelligence.”

#### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on November 30, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on November 30, 2016, at 10 a.m., to conduct a hearing entitled “Initial Observations of the New Leadership at the U.S. Border Patrol.”

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on November 30, 2016, at 3 p.m., in room SH-219 of the Hart Senate Office Building.

#### SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on November 30, 2016, in room SD-562 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled “Trust Betrayed: Financial Abuse of Older Americans by Guardians and Others in Power.”

#### PRIVILEGES OF THE FLOOR

Mr. MURPHY. Mr. President, I ask unanimous consent that Dr. Laura Willing, a health fellow in my office, be granted floor privileges for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2971.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2971) to authorize the National Urban Search and Rescue Response System.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 2971

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Urban Search and Rescue Response System Act of 2016”.

#### SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

#### “SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) AGENCY.—The term ‘Agency’ means the Federal Emergency Management Agency.

“(3) HAZARD.—The term ‘hazard’ has the meaning given the term in section 602.

“(4) NONEMPLOYEE SYSTEM MEMBER.—The term ‘nonemployee System member’ means a System member not employed by a sponsoring agency or participating agency.

“(5) PARTICIPATING AGENCY.—The term ‘participating agency’ means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

“(6) SPONSORING AGENCY.—The term ‘sponsoring agency’ means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

“(7) SYSTEM.—The term ‘System’ means the National Urban Search and Rescue Response System to be administered under this section.

“(8) SYSTEM MEMBER.—The term ‘System member’ means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

“(9) TASK FORCE.—The term ‘task force’ means an urban search and rescue team designated by the Administrator to participate in the System.

“(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

“(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

“(d) TASK FORCES.—

“(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

“(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

“(3) COMPOSITION.—

“(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

“(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

“(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management teams and other technical teams as the Administrator determines are necessary to administer the System.

“(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

“(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

“(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

“(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not

affect any other authority of the Administrator under this Act.

“(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

“(g) COMPENSATION.—

“(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force—

“(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

“(B) to make payments directly to a non-employee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

“(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

“(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

“(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

“(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

“(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

“(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

“(2) ELECTION OF BENEFITS.—

“(A) IN GENERAL.—A System member (or, in the case of the death of the System member, the System member's dependent) who is entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

“(i) receive benefits under such subchapter; or

“(ii) receive benefits from the State or local government.

“(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury, illness, disability, or death that is the reason for the benefits, or until such later date as the Secretary of Labor may allow for reasonable cause shown.

“(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

“(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

“(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. [3769b] 3796b), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

“(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

“(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

“(1) SERVICE.—Service as a System member shall be considered to be ‘service in the uniformed services’ for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

“(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

“(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member's qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

“(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

“(1) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

“(2) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

“(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

“(m) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into

a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

“(n) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

“(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the System and the provisions of this section such sums as are necessary for each of fiscal years 2017, 2018, and 2019.”

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking “and” at the end;

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking “United States Code.”; and

(ii) by adding “and” at the end; and

(D) by inserting after subparagraph (F) the following:

“(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;”

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act” before “, and a period”; and

(B) in paragraph (16), by inserting “System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,” after “Public Health Service.”

Mr. DAINES. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill (S. 2971), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2971

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Urban Search and Rescue Response System Act of 2016”.

**SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.**

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

**“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.**

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) AGENCY.—The term ‘Agency’ means the Federal Emergency Management Agency.

“(3) HAZARD.—The term ‘hazard’ has the meaning given the term in section 602.

“(4) NONEMPLOYEE SYSTEM MEMBER.—The term ‘nonemployee System member’ means a System member not employed by a sponsoring agency or participating agency.

“(5) PARTICIPATING AGENCY.—The term ‘participating agency’ means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

“(6) SPONSORING AGENCY.—The term ‘sponsoring agency’ means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

“(7) SYSTEM.—The term ‘System’ means the National Urban Search and Rescue Response System to be administered under this section.

“(8) SYSTEM MEMBER.—The term ‘System member’ means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

“(9) TASK FORCE.—The term ‘task force’ means an urban search and rescue team designated by the Administrator to participate in the System.

“(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

“(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

“(d) TASK FORCES.—

“(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

“(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

“(3) COMPOSITION.—

“(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

“(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

“(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such man-

agement teams and other technical teams as the Administrator determines are necessary to administer the System.

“(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

“(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

“(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

“(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

“(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

“(g) COMPENSATION.—

“(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force—

“(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

“(B) to make payments directly to a nonemployee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

“(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

“(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

“(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

“(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

“(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

“(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

“(2) ELECTION OF BENEFITS.—

“(A) IN GENERAL.—A System member (or, in the case of the death of the System member, the System member’s dependent) who is

entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

“(i) receive benefits under such subchapter; or

“(ii) receive benefits from the State or local government.

“(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury, illness, disability, or death that is the reason for the benefits, or until such later date as the Secretary of Labor may allow for reasonable cause shown.

“(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

“(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

“(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

“(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

“(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

“(1) SERVICE.—Service as a System member shall be considered to be ‘service in the uniformed services’ for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

“(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

“(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member’s qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

“(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

“(1) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

“(2) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

“(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

“(m) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

“(n) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

“(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the System and the provisions of this section such sums as are necessary for each of fiscal years 2017, 2018, and 2019.”

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking “and” at the end;

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking “United States Code,”; and

(ii) by adding “and” at the end; and

(D) by inserting after subparagraph (F) the following:

“(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;”

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act” before “, and a period”; and

(B) in paragraph (16), by inserting “System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,” after “Public Health Service.”

## BETTER ONLINE TICKET SALES ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 648, S. 3183.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3183) to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Better Online Ticket Sales Act of 2016” or the “BOTS Act of 2016”.*

### SEC. 2. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO CIRCUMVENTION OF TICKET ACCESS CONTROL MEASURES.

(a) CONDUCT PROHIBITED.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to circumvent a security measure, access control system, or other technological control or measure on an Internet website or online service that is used by the ticket issuer to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules; or

(B) to sell or offer to sell any event ticket in interstate commerce obtained in violation of subparagraph (A) if the person selling or offering to sell the ticket either—

(i) participated directly in or had the ability to control the conduct in violation of subparagraph (A); or

(ii) knew or should have known that the event ticket was acquired in violation of subparagraph (A).

(2) EXCEPTION.—It shall not be unlawful under this section for a person to create or use any computer software or system—

(A) to investigate, or further the enforcement or defense, of any alleged violation of this section or other statute or regulation; or

(B) to engage in research necessary to identify and analyze flaws and vulnerabilities of measures, systems, or controls described in paragraph (1)(A), if these research activities are conducted to advance the state of knowledge in the field of computer system security or to assist in the development of computer security product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such subsection by such person;

(B) to compel compliance with such subsection; and

(C) to obtain damages, restitution, or other compensation on behalf of such residents.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) not later than 10 days before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

### SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) EVENT.—The term “event” means any concert, theatrical performance, sporting event, show, or similarly scheduled activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that—

(A) is open to the general public; and

(B) is promoted, advertised, or marketed in interstate commerce or for which event tickets are generally sold or distributed in interstate commerce.

(3) EVENT TICKET.—The term “event ticket” means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that the bearer, possessor, or person entitled to possession through purchase or otherwise has—

(A) a right, privilege, or license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

(B) an entitlement to purchase such a right, privilege, or license with respect to one or more future events.

(4) TICKET ISSUER.—The term “ticket issuer” means any person who makes event tickets available, directly or indirectly, to the general public, and may include—

(A) the operator of the venue;

(B) the sponsor or promoter of an event;

(C) a sports team participating in an event or a league whose teams are participating in an event;

(D) a theater company, musical group, or similar participant in an event; and

(E) an agent for any such person.

Mr. DAINES. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 3183), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### PROGRAM MANAGEMENT IMPROVEMENT ACCOUNTABILITY ACT

Mr. DAINES. Mr. President, I ask the Chair to lay before the Senate the message to accompany S. 1550.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1550), entitled “An Act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes.”, do pass with an amendment.

Mr. DAINES. Mr. President, I move to concur in the House amendment; and I ask unanimous consent that the motion be agreed to and the motion to

reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

### GAO CIVILIAN TASK AND DELIVERY ORDER PROTEST AUTHORITY ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5995, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5995) to strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5995) was ordered to a third reading, was read the third time, and passed.

### DR. OTIS BOWEN VETERAN HOUSE

Mr. DAINES. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of H.R. 5509 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (H.R. 5509) to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the “Dr. Otis Bowen Veteran House.”

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5509) was ordered to a third reading, was read the third time, and passed.

### HONORING ARNOLD PALMER

Mr. DAINES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 605.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 605) honoring Arnold Palmer.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under “Submitted Resolutions.”)

### EXPRESSING SUPPORT FOR THE DESIGNATION OF THE FIRST FRIDAY IN OCTOBER 2016 AS “MANUFACTURING DAY”

Mr. DAINES. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 610.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 610) expressing support for the designation of the first Friday in October 2016 as “Manufacturing Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under “Submitted Resolutions.”)

### RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER IN HOUSTON, TEXAS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 626, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 626) recognizing the 75th anniversary of the establishment of the University of Texas MD Anderson Cancer Center in Houston, Texas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to consider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 626) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### SILVER STAR SERVICE BANNER DAY

Mr. DAINES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3386 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3386) to amend title 36, United States Code, to designate May 1 as "Silver Star Service Banner Day."

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3386) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3386

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Silver Star Service Banner Day Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress has always honored the sacrifices made by the wounded and ill members of the Armed Forces.

(2) The Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States.

(3) The Silver Star Families of America was formed to help the people of the United States remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose.

(4) The sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members of the Armed Forces and veterans on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying.

(5) The sacrifices of members of the Armed Forces and veterans on behalf of the United States should never be forgotten.

(6) May 1 is an appropriate date to designate as "Silver Star Service Banner Day".

#### SEC. 3. DESIGNATION.

(a) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

#### "§ 145. Silver Star Service Banner Day

"(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

"(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by inserting after the item relating to section 144 the following:

"145. Silver Star Service Banner Day."

#### ORDERS FOR THURSDAY, DECEMBER 1, 2016

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 1; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate proceed to the consideration of H.R. 6297 at 1:45 p.m. tomorrow, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DAINES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, December 1, 2016, at 9:30 a.m.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S6579–S6628*

**Measures Introduced:** Four bills and four resolutions were introduced, as follows: S. 3485–3488, S. Res. 624–626, and S. Con. Res. 57. **Page S6620**

#### Measures Passed:

**National Urban Search and Rescue Response System Act:** Senate passed S. 2971, to authorize the National Urban Search and Rescue Response System, after agreeing to the committee amendment. **Pages S6623–26**

**BOTS Act:** Senate passed S. 3183, to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, after agreeing to the committee amendment in the nature of a substitute. **Pages S6626–27**

**GAO Civilian Task and Delivery Order Protest Authority Act:** Senate passed H.R. 5995, to strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code. **Page S6627**

**Dr. Otis Bowen Veteran House:** Committee on Veterans' Affairs was discharged from further consideration of H.R. 5509, to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the "Dr. Otis Bowen Veteran House", and the bill was then passed. **Page S6627**

**Honoring Arnold Palmer:** Committee on the Judiciary was discharged from further consideration of S. Res. 605, honoring Arnold Palmer, and the resolution was then agreed to. **Page S6627**

**Manufacturing Day:** Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 610, expressing support for the designation of the first Friday in October 2016 as "Manufacturing Day", and the resolution was then agreed to. **Page S6627**

**University of Texas MD Anderson Cancer Center 75th Anniversary:** Senate agreed to S. Res. 626, recognizing the 75th anniversary of the establish-

ment of the University of Texas MD Anderson Cancer Center in Houston, Texas. **Pages S6627–28**

**Silver Star Service Banner Day Act:** Committee on the Judiciary was discharged from further consideration of S. 3386, to amend title 36, United States Code, to designate May 1 as "Silver Star Service Banner Day", and the bill was then passed. **Page S6628**

#### House Messages:

**Program Management Improvement Accountability Act:** Senate concurred in the amendment of the House to S. 1550, to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies. **Page S6627**

**Iran Sanctions Extension Act–Agreement:** A unanimous-consent agreement was reached providing that at 1:45 p.m., on Thursday, December 1, 2016, Senate begin consideration of H.R. 6297, to reauthorize the Iran Sanctions Act of 1996, as provided for under the previous order of Tuesday, November 29, 2016. **Page S6628**

**Messages from the House:** **Pages S6619–20**

**Additional Cosponsors:** **Pages S6620–21**

**Statements on Introduced Bills/Resolutions:** **Pages S6621–23**

**Additional Statements:** **Pages S6618–19**

**Authorities for Committees to Meet:** **Page S6623**

**Privileges of the Floor:** **Page S6623**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:42 p.m., until 9:30 a.m. on Thursday, December 1, 2016. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6628.)

### Committee Meetings

*(Committees not listed did not meet)*

#### ARTIFICIAL INTELLIGENCE

**Committee on Commerce, Science, and Transportation:** Subcommittee on Space, Science, and Competitiveness

concluded a hearing to examine the dawn of artificial intelligence, after receiving testimony from Steve A. Chien, Technical Group Supervisor, Artificial Intelligence Group, Jet Propulsion Laboratory, National Aeronautics and Space Administration; Eric Horvitz, Microsoft Corporation, Redmond, Washington; Andrew W. Moore, Carnegie Mellon University School of Computer Science, Pittsburgh, Pennsylvania; and Greg Brockman, OpenAI, San Francisco, California.

#### BORDER PATROL

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine initial observations of the new leadership at the Border Patrol, after receiving testimony from Mark A. Morgan, Chief, and Carla Provost, Deputy Chief, both of the Border Patrol, Customs and Border Protection, Department of Homeland Security.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

#### FINANCIAL ABUSE OF OLDER AMERICANS

*Special Committee on Aging:* Committee concluded a hearing to examine financial abuse of older Americans by guardians and others in power, after receiving testimony from Kathryn A. Larin, Acting Director, Forensic Audits and Investigative Service, Government Accountability Office; Cathy Boyko, Minnesota Judicial Branch Conservator Account Auditing Program Manager, Ramsey; Jaye L. Martin, Legal Services for the Elderly, Augusta, Maine; and Jessica Kruse, Ozarks Elder Law, Springfield, Missouri.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 6403–6414; and 5 resolutions, H. Con. Res. 174–176; and H. Res. 938–939 were introduced. **Pages H7058–59**

**Additional Cosponsors:** **Page H7059**

**Reports Filed:** Reports were filed today as follows:

Conference report on S. 2943, 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 (H. Rept. 114–840);

H.R. 5384, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes (H. Rept. 114–841, Part 1);

H.R. 6186, to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes (H. Rept. 114–842);

H.R. 6303, to designate facilities of the United States Postal Service, to establish new ZIP Codes, and for other purposes (H. Rept. 114–843); and

H. Res. 937, providing for consideration of the conference report to accompany the bill (S. 2943) 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 (H. Rept. 114–844). **Page H7058**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Bost to act as Speaker pro tempore for today. **Page H6367**

**Recess:** The House recessed at 10:48 a.m. and reconvened at 12 noon. **Page H6373**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Rabbi Shea Hecht, Hadar Hatorah Yeshiva, Brooklyn, NY. **Page H6373**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, November 29th:

*Protecting Veterans' Educational Choice Act of 2016:* H.R. 5047, to direct the Secretary of Veterans Affairs and the Secretary of Labor to provide information to veterans and members of the Armed Forces about articulation agreements between institutions of higher learning, by a  $\frac{2}{3}$  yeas-and-nays vote of 411 yeas to 3 nays, Roll No. 591. **Pages H6893–94**

**Unanimous Consent Agreement:** Agreed by unanimous consent that the question of adopting a motion to concur in the Senate amendment to H.R. 34

with an amendment may be subject to postponement as though under clause 8 of rule 20. **Page H6894**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Overtime Pay for Secret Service Agents Act of 2016:** H.R. 6302, to provide an increase in premium pay for United States Secret Service agents performing protective services during 2016;

**Pages H7006–08**

**Designating facilities of the United States Postal Service, to establish new ZIP Codes:** H.R. 6303, to designate facilities of the United States Postal Service, and to establish new ZIP Codes;

**Pages H7008–10**

**Federal Register Printing Savings Act of 2016:** H.R. 5384, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States;

**Pages H7010–11**

**Federal Agency Mail Management Act of 2016:** H.R. 6009, to ensure the effective processing of mail by Federal agencies;

**Pages H7011–12**

**Follow the Rules Act:** H.R. 6186, to amend title 5, United States Code, to extend certain protections against prohibited personnel practices; **Pages H7012–14**

**Designating the facility of the United States Postal Service located at 501 North Main Street in Florence, Arizona, as the “Adolfo ‘Harpo’ Celaya Post Office”:** H.R. 6304, to designate the facility of the United States Postal Service located at 501 North Main Street in Florence, Arizona, as the “Adolfo ‘Harpo’ Celaya Post Office”;

**Pages H7014–15, H7048**

**Designating the facility of the United States Postal Service located at 830 Kuhn Drive in Chula Vista, California, as the “Jonathan ‘J.D.’ De Guzman Post Office Building”:** H.R. 5948, to designate the facility of the United States Postal Service located at 830 Kuhn Drive in Chula Vista, California, as the “Jonathan ‘J.D.’ De Guzman Post Office Building”;

**Pages H7015–16**

**Designating the facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Hueneme, California, as the U.S. Naval Construction Battalion “Seabees” Fallen Heroes Post Office Building:** H.R. 6138, to designate the facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Hueneme, California, as the U.S. Naval Construction Battalion “Seabees” Fallen Heroes Post Office Building;

**Pages H7016–17**

**Designating the facility of the United States Postal Service located at 2024 Jerome Avenue, in Bronx, New York, as the “Dr. Roscoe C. Brown, Jr. Post Office Building”:** H.R. 6282, to designate the facility of the United States Postal Service located at 2024 Jerome Avenue, in Bronx, New York, as the “Dr. Roscoe C. Brown, Jr. Post Office Building”;

**Pages H7017–18**

**Merchant Marine of World War II Congressional Gold Medal Act:** H.R. 2992, to award a Congressional Gold Medal, collectively, to the U.S. Merchant Marine of World War II, in recognition of their dedicated and vital service during World War II;

**Pages H7018–20**

**Filipino Veterans of World War II Congressional Gold Medal Act:** S. 1555, to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II;

**Pages H7020–24**

**Office of Strategic Services Congressional Gold Medal Act:** S. 2234, to award the Congressional Gold Medal, collectively, to the members of the Office of Strategic Services (OSS) in recognition of their superior service and major contributions during World War II; and

**Pages H7024–28**

**Intelligence Authorization Act for Fiscal Year 2017:** H.R. 6393, to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a  $\frac{2}{3}$  yeas-and-nays vote of 390 yeas to 30 nays, Roll No. 593.

**Pages H7028–46, H7047–48**

**Tsunami Warning, Education, and Research Act:** Pursuant to H. Res. 934, the House concurred in the Senate amendment to H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, with an amendment consisting of the text of Rules Committee Print 114–67, modified by the amendment printed in part A of H. Rept. 114–839, in lieu of the matter proposed to be added by the Senate, by a recorded vote of 392 yeas to 26 noes, Roll No. 592.

**Pages H6894–H7006, H7046–47**

H. Res. 934, the rule providing for consideration of the Senate amendment to the bill (H.R. 34) and providing for consideration of the bill (H.R. 6392) was agreed to by a yeas-and-nays vote of 230 yeas to 180 nays, Roll No. 590, after the previous question was ordered without objection.

**Pages H6887–93**

**Clerk to Correct Enrollment:** The House agreed to H. Con. Res. 174, directing the Clerk of the House

of Representatives to make a technical correction in the enrollment of H.R. 34. **Page H7048**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H7056.

**Senate Referrals:** S. 2944 was referred to the Committee on the Judiciary. S. 3438 was referred to the Committee on Veterans' Affairs. S. 461 was held at the desk. **Page H7056**

**Quorum Calls Votes:** Three yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H6892–93, H6893–94, H7046–47, H7047. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:10 p.m.

## Committee Meetings

### EXAMINING THE UNITED STATES PREVENTIVE SERVICES TASK FORCE

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled “Examining the United States Preventive Services Task Force”. Testimony was heard from public witnesses.

### LIBYA FIVE YEARS AFTER GHADAFI

*Committee on Foreign Affairs:* Subcommittee on the Middle East and North Africa; and Subcommittee on Terrorism, Nonproliferation, and Trade, held a joint hearing entitled “Libya Five Years After Ghadafi”. Testimony was heard from Jonathan Winer, Special Envoy for Libya, Bureau of Near Eastern Affairs, Department of State.

### LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on Federal Lands held a hearing on H.R. 5129, the “GO Act”; H.R. 799, the “North Country National Scenic Trail Route Adjustment Act”; and H.R. 3683, the “African American Civil Rights Network Act of 2015”. Testimony was heard from Representatives Clay; Nolan; and LaMalfa; Glenn Casamassa, Associate Deputy Chief, U.S. Forest Service; Stephanie S. Toothman, Associate Director, Cultural Resources, Partnerships, and Science, National Park Service; and public witnesses.

### OVERSIGHT OF DEA'S CONFIDENTIAL SOURCE PROGRAM

*Committee on Oversight and Government Reform:* Full Committee held a hearing entitled “Oversight of DEA's Confidential Source Program”. Testimony was heard from Michael E. Horowitz, Inspector General, Department of Justice; and Rob Patterson, Chief of Inspections, Drug Enforcement Administration.

### FEDERAL LONG-TERM CARE INSURANCE PROGRAM: EXAMINING PREMIUM INCREASES

*Committee on Oversight and Government Reform:* Subcommittee on Government Operations held a hearing entitled “Federal Long-Term Care Insurance Program: Examining Premium Increases”. Testimony was heard from John O'Brien, Senior Advisor for Health Policy, Office of Personnel Management; and public witnesses.

### CONFERENCE REPORT TO ACCOMPANY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

*Committee on Rules:* Full Committee held a hearing on a conference report to accompany S. 2943, the “National Defense Authorization Act for Fiscal Year 2017”. The committee granted, by voice vote, a rule that waives all points of order against the conference report to accompany S. 2943 and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. The rule provides that debate on the conference report is divided pursuant to clause 8(d) of rule XXII. Testimony was heard from Chairman Thornberry and Representative Smith of Washington.

## Joint Meetings

### NATIONAL DEFENSE AUTHORIZATION ACT

*Conferees:* Agreed to file a conference report on the differences between the Senate and House passed versions of S. 2943, 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.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1039)

H.R. 845, to direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance. Signed on November 28, 2016. (Public Law 114–245)

H.R. 4511, to amend the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of members of the Armed Forces who died as a result of their service during

a period of war. Signed on November 28, 2016. (Public Law 114–246)

H.R. 5392, to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line. Signed on November 28, 2016. (Public Law 114–247)

H.R. 6007, to amend title 49, United States Code, to include consideration of certain impacts on commercial space launch and reentry activities in a navigable airspace analysis. Signed on November 28, 2016. (Public Law 114–248)

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## COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 1, 2016

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Armed Services:* to hold hearings to examine the oversight, acquisition, testing, and employment of the Littoral Combat Ship (LCS) and LCS mission module programs, 9:30 a.m., SD–G50.

*Committee on Foreign Relations:* to hold hearings to examine the future of counter-terrorism strategy, 10:30 a.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine two Government Accountability Office reports regarding the renewable fuel standard, 2:30 p.m., SD–342.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters, 2 p.m., SH–219.

### House

*Committee on Armed Services,* Subcommittee on Oversight and Investigations, hearing entitled “Force Management Levels in Iraq and Afghanistan; Readiness and Strategic Considerations”, 10 a.m., 2118 Rayburn.

*Committee on Oversight and Government Reform,* Full Committee, hearing entitled “Examining Sexual Harassment and Gender Discrimination at the U.S. Department of Agriculture”, 9 a.m., 2154 Rayburn.

Subcommittee on Government Operations; and Subcommittee on Health Care, Benefits and Administrative Rules, joint hearing entitled “Restoring the Power of the Purse: Legislative Options”, 2 p.m., 2154 Rayburn.

*Permanent Select Committee on Intelligence,* Full Committee, business meeting to consider an access request, 9 a.m., HVC–304. This meeting will be closed.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 1

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 1

Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 1:45 p.m.), Senate will begin consideration of H.R. 6297, Iran Sanctions Extension Act, and vote on passage of the bill.

House Chamber

**Program for Thursday:** Consideration of the conference report to accompany S. 2943—National Defense Authorization Act for Fiscal Year 2017 (Subject to a Rule). Consideration of H.R. 6392—Systemic Risk Designation Improvement Act of 2016.

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